

Law Enforcement News

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Louisville sluggers?

PD tries to get a handle on overlooked, underreported use of force

After an investigative series published recently by The Louisville Courier-Journal raised a number of disturbing questions about how use-of force reports are processed by the city's police department, the discretion officers now have in filling out such forms will be sharply reined in under a policy initiated this month by Acting Police Chief Greg Smith and Public Safety Director Ron Ricucci.

Under the new guidelines, the filling of use-of force forms will be required each time an officer charges a suspect with resisting arrest. The change could foreseeably increase more than fivefold the number of reports filed each year, from approximately 210 to as many as 1,100 a year. The department will also make greater use of an early-intervention system, Smith told the Board of Aldermen at a meeting called in April to discuss the newspaper's findings.

"We're continuing to look at the whole issue," said Ricucci, who acknowledged that he and Smith had been directed by Mayor Dave Armstrong to "take a look at some of the issues" raised by the five-part investigative series. The use-of force reporting policy,

Ricucci said, would be rewritten by the department, and reviewed by Armstrong and himself. Both he and the Chief, said Ricucci, endorsed the idea of such reports.

A failure to fill out the appropriate use-of force forms was among the key findings of an extensive review of the department's policies by The Courier-

were lodged.

The newspaper's review began last year, when uses of force in two separate cases involving black males generated calls for a civilian review board and community debate on law enforcement misconduct. In one of the cases, Adrian Reynolds, an inmate at the Jefferson (County) Jail, was murdered

1999. [See L&N, March 15, 2000.] The action caused an upheaval of the department, with a march on City Hall by both commanders and rank-and-file, as well as the resignations of all nine members of Sherrard's command staff. Smith, who had been deputy chief, was selected by Armstrong to serve in the interim while the city does a search to replace Sherrard.

While current departmental policy requires officers to file reports whenever a suspect is slapped, hit or dosed with pepper spray, or when an officer's use of force results in property damage or a complaint of injury to a suspect, officer or bystander, it is considerably broadened by another section of the policy which states that it is not necessary for an officer to report the use of "reasonable, necessary force" to handcuff a suspect, or if the suspect is not injured in an encounter with police.

In its 10-month examination of some 200,000 police and jail records, The Courier-Journal uncovered 612 examples during 1998 and 1999 in which force was indicated by such words as "struggle," "wrestle," "tackle" and "force," but was not documented

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Experts say Louisville's use-of-force statistics clash sharply — and disturbingly — with national averages.

Journal, which ran from March 27 through April 2. Other issues uncovered by the series were that a monitoring system for use-of force incidents was flawed and underused; that little or no analysis is conducted of the contents of use-of force reports; that use of force was overwhelmingly found to be justified by commanders put in charge of reviewing such incidents, and that the agency's top officials nearly always ruled in favor of officers when formal complaints of excessive force

in 1998. A correction officer has since been indicted on homicide charges and is awaiting trial. The other incident, involving an 18-year-old suspected car thief, Desmond Rudolph, ultimately contributed to the dismissal of Police Chief Gene Sherrard on March 2.

Armstrong fired Sherrard for ostensibly violating his trust when he failed to inform the mayor that he was giving the department's Exceptional Valor Award to the two officers involved in fatally shooting Rudolph on May 13,

Boom times for Fed law enforcement, with most growth in protecting borders

Growth within the ranks of the Immigration and Naturalization Service between 1996 and 1998 accounts for nearly half of an 11-percent increase in the number of full-time sworn personnel employed by federal law enforcement agencies during that period, and more than half of the increase within INS can be attributed to the hiring of more Border Patrol officers, according to a report released in March by the Bureau of Justice Statistics.

Between 1996 and 1998, the number of federal law enforcement personnel rose by some 8,000 officers, to a total of 83,000. The largest hike in both number and percentage of staff was

found in the INS, which swelled its ranks by 4,149 officers and grew by 33 percent. In its Border Patrol division, the number of officers rose from 5,441 in 1996 to 7,714 two years later — a hike of 42 percent.

Border Patrol officers also accounted for nearly half of the 19 percent of all federal sworn personnel whom BJS categorized under police response and patrol, one of six duty areas the report outlined. The others were criminal investigation/enforcement; corrections; noncriminal investigation/enforcement; court operations; and security/protection.

From 1993 to 1998, according to the

report, the number of INS agents increased by approximately 7,000 — from 9,466 to 16,552. The 75-percent leap far outpaced other federal agencies, including the Bureau of Prisons, which experienced a 26 percent rise in personnel during the same period. In that time, the report said, the number of Border Patrol officers nearly doubled, from 3,920 to 7,714 along the Mexican border. In fact, nearly all of the agency's rapid growth can be attributed to deployment of agents in the Southwest. The number of criminal investigators in that region rose by 57 percent; the ranks of inspectors grew by 73 percent; and detention officers by

131 percent.

Some 4,073 INS inspectors, the next largest group of agency officers, were categorized under noncriminal investigation and enforcement, a group that accounts for 14 percent of all federal

Troubles on the border:
Why Texas prosecutors and Arizona ranchers are seeing red. See Pages 6, 9.

officers. Nearly all FBI personnel were responsible for criminal investigations and enforcement, a category which accounted for 42 percent of the duties of federal officers, said the report.

Of the three Justice Department agencies employing the greatest number of sworn personnel, the INS topped the list with 16,552 sworn members. It was followed by the Federal Bureau of Prisons, with 12,587 members, and the FBI, with 11,285.

The fourth largest employer under the Justice Department, which itself accounts for 56 percent of all federal officers, was the Drug Enforcement Administration, which had 3,305 sworn personnel as of June 1998. The other major employer within DoJ was the U.S. Marshal Service, with 2,705 members that have arrest and firearms authority.

According to BJS, there were 31 federal officers per 100,000 resident
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NJSP gambles on the viability of its college-degree requirement

Under the terms of a settlement reached last month between the NAACP and New Jersey officials, the State Police is gambling that it can recruit enough minority applicants with a four-year college degree during the next three years that it will be able to make permanent the academic requirement as an exclusive criterion for entrance into the department.

The consent decree signed on March 1 resolves a 1996 lawsuit filed by the NAACP's national organization and its New Jersey chapter. It calls for aggressive recruitment of black and Latino

candidates; the suspension of a bachelor's degree requirement until 2003, and a variety of tests for candidates instead of the single Law Enforcement Candidate Record.

"We're convinced we can recruit a very well-educated and diverse State Police force," said state Attorney General John J. Farmer Jr. "And, as you can see from the terms of this agreement, we're willing to bet the four-year college requirement on our ability to do so."

Developing a more diverse applicant pool is a top priority of the

agency's superintendent, Carson Dunbar Jr., according to Farmer's office. The State Police recruiting staff has been doubled from 12 to 24, and a comprehensive advertising campaign has been launched to attract more black and Hispanic candidates for the 119th recruit class. Moreover, minority applicants from the 114th through the 118th classes who were not hired have been invited to re-apply.

The consent decree awards individual settlements totaling \$355,000 to 10 applicants who were not hired, in recognition of their participation in the

suit. The state also agreed to pay attorneys' fees and related costs, although no precise amount has been determined.

Four years ago, the NAACP charged the State Police with disproportionately excluding minority candidates from its ranks with a non-job related educational requirement implemented in 1993 immediately following the lifting of a minority-hiring consent decree by the Justice Department. Prior to that year, applicants only needed to possess a high school diploma or GED.

According to plaintiffs' attorneys,
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Around the Nation

Northeast



CONNECTICUT — New Milford Police Officer William Scribner, 39, was found guilty of negligent homicide April 19. His cruiser struck another car and killed its teenage driver in June 1998 as Scribner raced through an intersection.

DISTRICT OF COLUMBIA — Police arrested 16-year-old Antoine Bernard Jones on April 26 and charged him with wounding seven youths in an April 24 shootout at the National Zoo. The boy was charged as an adult with assault with intent to commit murder while armed, and faces a maximum sentence of life in prison if convicted. Jones is the son of a convicted enforcer for what is said to be the largest drug ring in Washington's history.

MAINE — The state House has rejected a plan that would have denied concealed-weapons permits to people who have been the subject of a restraining order within the prior two years.

Former Fairfield Police Chief Jean Pouliot plans to sue town councilors, who he claims preyed on his judgment-impairing mental disability when they forced him to resign last fall. Pouliot resigned amid charges that he mismanaged his budget and made questionable purchases with a town credit card.

Rockland Police Chief Alfred Ockenfels will remain on paid administrative leave pending the results of an inquiry into his alleged false testimony during a speeding trial. Ockenfels allegedly testified that he had been certified two months earlier in visual estimation of speed, but no records of that recertification could be found.

MARYLAND — The first of three Baltimore gun buyback programs collected 710 weapons, which were exchanged for \$50 per rifle or shotgun and \$100 per handgun or assault weapon. The program has pushed ahead despite criticism from Mayor Martin O'Malley, who says the buybacks will drain \$200,000 from the city's federal drug-treatment fund.

Baltimore State's Attorney Patricia C. Jessamy hopes a new gun court will bring tougher punishment for those convicted of gun-related crimes. The court, which will hear cases of illegal gun possession, will operate one day a week in both of the city's district court-houses. A \$1.7-million allocation has helped to create the court in the wake of soaring crime and a report by The [Baltimore] Sun that almost 75 percent of those charged in attempted murders, armed robberies and other violent crimes received prison terms of less than five years.

Richard L. McDowell, president of the Calver County Fraternal Order of Police, has filed a \$3-million lawsuit against Sheriff Vonzell R. Ward alleging that Ward unfairly punished him after he publicly criticized the sheriff's policies. McDowell had lobbied the state Senate to oppose a bill for a new assistant sheriff. The bill failed, and McDowell was removed from the elite honor guard and had his customized

squad car taken away.

MASSACHUSETTS — Westboro Police Chief Glenn R. Parker has requested a one-year extension of his appointment, which expires June 30, 2001. Parker, 54, said he wanted to remain in order to oversee the recommendations of a police management study that was released April 26. The study questions Parker's ability to lead the department and describes a lack of discipline, poor morale and internal schisms between detectives and fellow officers, among other problems. The report noted that most officers felt promotions had been predetermined, and recommends that the department be reorganized into an administrative division and an operations division, each with a lieutenant in command.

The Grafton Board of Selectmen has cleared Police Chief Peter R. Paulding of charges made by the police union that he failed to take command of critical crime scenes, abused personal phone calls and implemented an unfair discipline policy.

State officials will investigate police union charges that Plymouth Chief Robert Pomeroy misused \$100,000 in community policing grants by using them to supplement the police budget rather than to pay for separate community policing programs. A recent union survey revealed that most officers felt Pomeroy never asked for their comments when launching new programs.

The Brookline police union has approved a new two-year contract, which provides a 3-percent pay raise each year and changes scheduling to a straight shift system. Police will choose a regular shift according to seniority.

Boston police have pinned the 1991 strangling of Maude Hinds, 87, on Dionicio Delvalle, 28, who had broken into the woman's apartment building. Police arrested Delvalle on April 28 after entering fingerprints collected at the scene into a newly computerized FBI database. The suspect was on probation for a March 1999 assault and battery of his stepson. Delvalle told police that he was at the scene, but that his brother, now deceased, had killed the woman.

NEW HAMPSHIRE — A bill before the Legislature would increase penalties for incest and other child sex crimes. Currently, most adults convicted of child rape face up to 20 years in prison, but face only 7 years if the offender is related to the child by blood or marriage.

NEW JERSEY — Defense lawyers for the two State Police officers who wounded three unarmed minority men on the New Jersey Turnpike in April 1998 said that the officers believed their lives were in danger when the suspects' van began to accelerate toward them. Court documents revealed that the van's driver, Keshon Moore, told a grand jury he might have stepped on the gas pedal and caused the van to lurch forward. Troopers James Kenna and John Hogan face charges of attempted murder.

State police are still awaiting new handguns while officials seek new bids to replace the weapons used by 2,700 troopers. A contract was canceled when a German manufacturer sent a hatch

with misaligned sights.

NEW YORK — Police said a Queens man shot and killed by officers on April 22 did not fire first, as police had initially reported. James J. Murphy Jr., 43, was shot seven times while pointing a Luger handgun at cops and yelling, "I guess you got me now." Murphy had just assaulted his 70-year-old mother. Police ruled the shooting justified.

Queens police took criticism at an April 17 City Council meeting over the practice of shifting officers out of precincts and into specialized units. Council members also inquired into training, public perceptions and accountability in the wake of several police shootings of unarmed black men. The meeting was the third in a series of hearings held at each of the city's eight police borough commands.

The family of Amadou Diallo filed an April 18 lawsuit demanding \$41 million from the four police officers who fired 41 shots at the man, as well as \$40 million from New York City. The U.S. Justice Department is still considering whether or not to indict the four officers on civil-rights charges. In a related development, a black militant group calling itself "The Underground Black Force" has circulated a flier threatening to kill the four police officers who fatally shot Diallo. The flier was mailed to police precincts around the city. No arrests had been made.

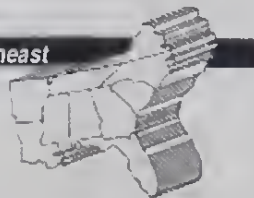
RHODE ISLAND — An investigation is under way in Providence, after three off-duty police officers allegedly broke into and ransacked the home of another officer. The incident has been called a practical joke that was taken too far.

Police from around the nation gathered in Newport to support stricter limits for blood-alcohol levels. The state House finally passed increased drunken driving penalties on April 27, lowering the legal limit from 0.10 to 0.08. The state Senate has passed a similar bill, but with tougher penalties.

VERMONT — Police statewide want to close out some of the 7,025 outstanding warrants in Vermont. Officials have proposed programs similar to a Chittenden County search that brought in 155 people wanted for felonies and misdemeanors. The number of warrants in the state grew 17 percent last year.

The Vermont Troopers Foundation wants the governor to add 60 new jobs to the State Police over the next three years. Gov. Howard Dean said he would try to add 10 new troopers and 16 clerical and administrative workers with funding from this year's budget.

Southeast



ALABAMA — A student at Montgomery's Jefferson Davis High School was caught on security cameras as he entered and left a bathroom where police said he used a lighter to ignite a paper towel dispenser. An evacuation of the school followed the arson attempt. Rahmel Bibb, 18, was arrested.

Use of the date-rape drug GHB is on

the rise in Alabama, and has caused at least three recent deaths, a state forensics expert has found. Pending legislation would make it a crime to traffic in the drug.

ARKANSAS — A six-hour call to Yemen and other long-distance calls were billed to El Dorado police by scam artists who called 911 and made long-distance calls through the department without police knowing about it. The callers said they were AT&T representatives and asked dispatchers to dial 900 and then hang up. The callers could then access an outside line and make calls on the police department's bill.

The Springdale City Council was set to vote on a proposal that would give the city's police and fire departments separate pay scales. Officials had said they would give both departments a pay scale separate from other city agencies in order to be more competitive with other cities. The proposal would drop top police officer salaries from \$32,985 to \$31,098, but would allow officers to reach top pay in 10 years instead of 21.

The dismissal of Conway police officer George Riemer was upheld by the city's Civil Service Commission on April 21. Riemer was fired after allegedly making racially insensitive remarks to three people, including remarks made to a black man during a Jan. 11 stop.

The body of Memphis, Tenn., police officer Diane Harrell, 35, was found in an Econo Lodge hotel room in Forrest City on April 23. The officer died of a gunshot wound to the head that was said to have been self-inflicted.

FLORIDA — Gov. Jeb Bush told an April 19 meeting of deputy sheriffs that he would recommend restoring lost pension credits to police and firefighters, but opposed spending a pension surplus to improve benefits for teachers and other public employees. The decision about the state's \$103 billion pension system was not binding on the state legislature. Police sought to win back a decade's worth of special-risk pension credits that were stripped by lawmakers in 1978. Restoring the credits could cost up to \$690 million.

An arbitrator has found that U.S. Customs Service officials made bogus charges against Croley Forester, 46, an inspector who was suspended after he missed six pounds of cocaine in a package at Miami International Airport. Other inspectors who missed drugs were not disciplined. Forester had complained to Congress about conditions at the airport.

MISSISSIPPI — State and local law enforcement agencies have been awarded more than \$1.6 million in assets collected from forfeitures in north Mississippi drug and gambling cases.

NORTH CAROLINA — The Blueline Foundation's first motorcycle ride to benefit families of officers killed or injured in the line of duty raised \$2,600 on April 29. Over 100 bikers and passengers rode 225 miles. Most of the foundation's funding comes from the Court TV show "Live from Cell Block F," which is broadcast every Thursday from the Davidson County Jail. The show raises \$150,000 a year.

Greensboro residents are calling for a

new independent police review board, and some want a referendum to settle the issue. Opponents of the board, including police and City Council members, say that only a loud minority want a review panel. But those who favor the board say that it is necessary to heal relations between the police and the black community, which have been tense in the wake of such incidents as the 1994 death of Daryl Howerton, a mentally disturbed man who was shot by police.

Five former Asheville police officers will not be allowed to pursue their lawsuit against Police Chief Will Annarino, which charged the chief with racketeering. Three ex-officers said they were forced to resign, while another said he was fired after he refused to resign and the fifth claimed to have been fired without being given an option to resign. But a federal magistrate said no evidence indicated that Annarino committed extortion for personal gain.

Durham police have been invited to join their Duke University colleagues in a new substation. Police said that the Duke and Durham communities would benefit from the close cooperation of the two departments. Police may do paperwork or conduct special operations from the new office, but will not be permanently stationed there.

High Point police are getting laptop computers in patrol cars, to give them instant information about the vehicles they are following and the residences they are dispatched to. More than 50 of the computers will be deployed by July. The computers, wireless modems, mounting equipment and software cost \$7,500 per vehicle. Federal and state grants and \$50,000 from the city are funding the effort.

TENNESSEE — Repeat offenders made up 43 percent of those sent to Tennessee prisons in fiscal 1998, a state audit found. Of 8,627 imprisoned, 3,715 were parolees returning on new convictions. Officials called for prisoner rehabilitation programs.

Midwest



ILLINOIS — The reversal of the state's Safe Neighborhoods Act has resulted in a reduced prison sentence for ex-Chicago officer Gregory Becker, who was jailed for killing a homeless man in 1995. Becker's sentence was reduced by five years. He had been sentenced in 1997 under the anti-crime law, which called for a minimum penalty of 15 years instead of 6 for armed violence with a handgun. The law was declared unconstitutional in December.

INDIANA — Indianapolis will pay \$1.9 million to the family of a teen fatally shot in a police car. Michael Taylor, 16, died in 1987 after he was shot with a gun police failed to detect in the back seat while the boy was on the way to a detention center.

KENTUCKY — A Lexington Housing Authority gun buyback program collected 642 weapons from over 300 people, who received \$100 for each weapon. The program was sponsored by police and the federal government.

Around the Nation

MICHIGAN — Kenneth Miller, 56, the man charged with opening fire inside a Lincoln Park senior citizen complex and killing three women, was arraigned on 13 felony counts. Miller opened fire on April 18 after a meeting with housing officials, who met to discuss allegations that Miller used vulgar language.

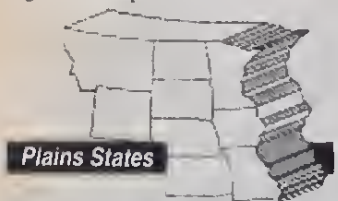
The state's 911 dispatchers have been besieged by accidental calls from pre-programmed cell phones. A report in The Grand Rapids stated that as many as half of 911 calls received from cell phones are false alarms, made when the phones bounce around in bags or pockets and automatically dial the emergency number.

Macomb County Sheriff William Hackel was convicted April 27 on two sexual assault charges. Hackel, who has been sheriff for 23 years, faces up to 15 years in prison on each count.

WEST VIRGINIA — Cedar Grove police officer Shane Snuffer, 23, has been charged with impersonating a state trooper. Snuffer allegedly pulled a 17-year-old girl over three times in Mercer County to ask her for a date. He wore a trooper-like green jacket and pants in the incidents.

Charleston will pay \$20,000 to Laura Manns, a 76-year-old black woman who was hit with police pepper spray after she failed to pay a 60-cent bus fare.

WISCONSIN — A surprising one-third of Milwaukee County students surveyed in a recent poll said they agreed with the statement that a girl might deserve violence if she yelled at her boyfriend or insulted him in front of his friends. Almost 25 percent said a girl seen talking to another boy might deserve a shove or a slap. The University of Wisconsin-Milwaukee study raised concerns about violence in dating relationships.



IOWA — Dubuque resident Patricia Jo Bach, 26, pleaded guilty to harassment of public officials after she repeatedly phoned the city's dispatch center. A disturbance had been reported at her residence on March 10. Police found no response and broke a window to enter the apartment. Three hours later Bach called police to have them fix her window. Lieut. Tom Parker said police would meet with her but that they would not be able to fix the window. She then hung up and later called five times in a half hour, becoming verbally abusive.

KANSAS — The state's Supreme Court has agreed to decide whether Kansas should limit the number of criminals who can be declared violent sexual predators.

MISSOURI — In Branson's first homicide since 1996, Geneva Henley, 64, was shot on April 26 while working at the Silver Fountain hotel on the town's Route 76 strip.

The state's troopers are being lured to higher paying jobs in other departments. The Highway Patrol lost 55 of-

ficers last year, 36 through retirement and 19 through resignation. Troopers in most surrounding states are paid more than the \$40,056 Missouri troopers make after 15 years.

MONTANA — The state's Supreme Court has refused to dismiss felony charges against Matthew "Cal" Courville, the Ronan man accused of pistol-whipping a Lake County deputy. Courville has pleaded guilty to two misdemeanors stemming from the incident. The court said the double jeopardy rule did not apply to Courville, who assaulted Deputy Sheriff Larry Kirby on Sept. 10 as the officer was trying to handcuff the suspect.

A police strike was not imminent in the dispute between Anaconda-Deer Lodge County and its peace officers, but the city-county government and the Anaconda Police Protective Association remained deadlocked in attempts to negotiate a contract. They are still disputing the scheduling of shifts. A March 20 mediation attempt failed, and little progress has been reported since then. The union had also filed an unfair labor practice charge, arguing that a county commissioner used an ethnic slur in referring to a union negotiator.

Yellowstone County prosecutors have voted unanimously to join the Teamsters union, in a move intended to yield higher pay and better working conditions. The prosecutors said the move would help them retain more experienced attorneys, which would in turn make the community safer. County attorneys make some \$7,000 less than the \$42,343 salary for a beginning city attorney.

NEBRASKA — The Hall County sheriff's officers' union bought 68 guns in a buyback program that exchanged \$50 vouchers for weapons. Community donations paid for the program.

SOUTH DAKOTA — Following the death of a 14-year-old girl by heat exhaustion at a state reform school, judges have cut in half the number of juvenile offenders in state custody. Some 186 juveniles were in state custody from last July 1 through March 31, down from 371 in the same period a year earlier.

The state Supreme Court said that Erin Colleen Hart can go forward with a lawsuit against former trooper Ronald Miller. Hart was arrested for drunken driving and other offenses, but argued that Miller suggested he would not investigate if she had sex with him.



ARIZONA — Former Ventana Lakes resident Richard Glassel was arrested April 19 after he walked into a Peoria retirement community center and opened fire, killing two women and injuring three others. The incident came one day after a man opened fire at a senior citizens apartment complex in Michigan.

Judges should permit expert testimony about repressed memories, the Arizona Supreme Court ruled in a split decision.

The ruling came amid questions about the reliability of such testimony.

A new trial program has made Department of Public Safety officers Angelo Trujillo and Steve McBride the first state motorcycle officers to patrol highways from District 12 headquarters in Prescott. Officials said that if the program was successful, additional bike patrols could be added in the Flagstaff and Payson areas.

NEW MEXICO — Las Cruces police rounded up 160 weapons and 1,000 rounds of ammunition in a program that gave \$50 cash and tickets to a boxing match to those who turned in their weapons. The city gave out \$7,000 and 300 tickets in the April 22 exchange.

TEXAS — Marshall Police Chief Charles Williams, who was appointed to the state's Commission on Law Enforcement Officers Standards and Education by Gov. George Bush, has resigned over racial slurs he made against blacks in 1998. Williams defended his use of the term "porch monkey," but apologized in April and resigned after Bush was made aware of the insult. He remains chief in Marshall.

Ex-Houston police officer Israel Escobar, 27, received eight years of probation on April 26 after pleading no contest to the attempted sexual assault of a woman and the sexual assault of a 14-year-old girl. Escobar was fired last November. Terms of his probation call for 400 hours of community service and registration as a sex offender.

A jury sentenced former Dallas officer Daniel E. Maples Jr. to two years in prison on April 28 for stealing money from drug dealers. However, the jury also said that the district attorney's office should not have withdrawn a plea agreement that would have resulted in probation. A convicted co-defendant, former officer Quentin R. Roper, faces up to 99 years in prison.

The Fort Bend County town of Fulshear was reeling on April 20 from the sudden resignations of Police Chief Ben Villar, two patrol officers and City Secretary Carolyn Smith. Mayor Carl G. Utley said he was unsure if the chief's resignation was related to Villar's pending trial on charges of forgery, bigamy and tampering with a government document. The 53-year-old Villar was indicted last June on charges that included forging college transcripts and using a fake INS certificate that said he became a citizen in 1969. Authorities believe he did not become a citizen until years later, after coming to the U.S. from Cuba. The bigamy charges stem from his wife's discovery that she was one of at least 10 wives in Villar's life. Villar was due to go on trial in May.

Five members of the Texas City African-American Police Officers Association charged on April 21 that their commanders give white officers preference in overtime work, training opportunities and promotions. The officers have filed complaints with the federal Equal Employment Opportunity Commission. Officer Mickey House cited a 1998 incident in which he found a Ku Klux Klan-style hood in his office. He said no action followed his complaint about the incident.

UTAH — Former Salt Lake City of-

ficer Robert L. Joseph said he was improperly dismissed after firing 11 shots at a fleeing motorist over a year ago. Joseph claims in a federal civil rights lawsuit that former Mayor Deedee Corrandini punished him for a spate of shootings involving other Salt Lake City police. Joseph was initially fired and then reinstated after an investigation said the shooting was justified. But he was fired again in March after reportedly failing a psychological exam.



ALASKA — A .357-caliber bullet discharged from a pistol that was inside a bag in the luggage compartment of an Alaska Air jet as it sat on the ground in Portland, Ore. on April 24. Although the bullet entered the passenger compartment, no one was hurt. Betty Jean Smith, 66, of Eagle River, Alaska, was charged with concealing a weapon without a permit and reckless endangerment.

CALIFORNIA — Animal cruelty charges have been dropped against veteran San Diego Officer Lawrence Cahill, whose 7-year-old police dog, C-J, died last summer after it was left in a patrol car for 90 minutes with the windows closed. The officer testified that his vehicle's cooling system was left on, but that it malfunctioned.

Long Beach anti-gang Officer Daryle Black was shot and killed during a late-night patrol on April 29. Black, 33, was with Officer Rick Delfin, 41, when the officers came under fire. Police had no suspects and were reluctant to discuss a motive for the attack.

An Orange County jury on April 19 recommended a death sentence for Hung Thanh Mai, a 29-year-old convicted gang member, after an unapologetic Mai told jurors that he deserved the maximum penalty for the brutal murder of California Highway Patrol Officer Don J. Burt Jr. Mai shot Burt seven times in a Fullerton parking lot after a traffic stop four years ago. A formal sentencing proceeding is scheduled for June 23.

Mourners gathered April 18 to pay final respects to Vallejo Police Officer Jeff Azuar, 50, who was shot in the head a week earlier while trying to serve an arrest warrant. Joseph Robert Teitgen, 34, who was evading a 90-day jail sentence for passing a bad check, was subsequently shot by another officer. Teitgen now faces homicide charges.

Fresno police have opened a temporary report-writing office at the Kearney Palms Shopping Center as part of an effort by Chief Ed Winchester to take a more proactive role in the community. The office space was donated by owners of the shopping center and will house four sworn neighborhood service officers and a civilian community service officer. In addition, an 85,000-square-foot police substation will be built next to the temporary office.

HAWAII — The Legislature on April 25 passed a bill that permits people with specific illnesses to use marijuana as a

medical treatment. Hawaii is the first state in which the Legislature has passed such a bill, and in which the governor has agreed to sign the bill into law. The bill is narrowly worded and specifies the illnesses that can be treated with marijuana as well as the conditions in which it can be used. Officials said that as many as 300 people in Hawaii would qualify.

NEVADA — North Las Vegas detective William Brooks, 42, was ordered to stand trial on charges he kidnapped a woman in a Home Depot parking lot on Feb. 20. Brooks allegedly forced Lynn Malloy into her car and threatened to kill her. The detective said he mistakenly assumed Malloy was the wife of a man who owed \$30,000 he was being paid to collect.

A Las Vegas officer who fired two shots at a pile of clothes he thought a suspect was hiding under has been placed on administrative leave. The officer, whose name was not immediately released, stopped a car on April 19 and told the driver to get out of the vehicle. After the driver did so, the officer thought another person was under the clothes, and fired after ordering the suspected bandit to come out. No one else, it turned out, was in the car.

Mark Beckerle, a former Las Vegas officer who was fired in 1996 over allegations that he used false names and accounts to avoid paying an \$8.50 dry cleaning bill for his police uniform, has been awarded \$328,500 in his lawsuit against the department. Beckerle, 41, said that although he was acquitted of the charges, he was unable to find other work in law enforcement.

WASHINGTON — Racial complaints were swirling in Seattle after the police department's highest ranking black female, Capt. Toni Malliet, was transferred from her precinct command to the Domestic Violence and Sexual Assault Unit. Malliet, 45, was the subject of an internal review of charges that she interfered with a rape investigation, and has also sustained criticism that she did not properly handle protests after the April 12 fatal shooting by police of David Walker, a black shoplifter. Officials said she demonstrated a lapse of leadership by not being present at two protest rallies.

King County Sheriff's Deputy John Vanderwalker was fired April 19 for using excessive force during last fall's World Trade Organization protests. Vanderwalker, a 19-year veteran, used pepper spray on three people in a car and kicked a first-aid worker wearing a red-and-white cross.

The Kirkland police union has accused Police Chief Pleas Green of establishing a compensation system that violates the union contract and state labor law by prohibiting officers from claiming overtime, and forcing them instead to take days off. Green, 56, responded that the department paid \$200,000 in overtime last year.

Mill Creek will pay \$150,000 in court costs and attorney fees to former police officer Rex A. Britton, 51, who claimed that he was discriminated against when he was fired in 1995. Britton said he was allergic to cold temperatures, and was forced to quit the force after suffering emotional distress.

People & Places

Hard bargain

'If a bargain seems too good to be true, then it probably is. The truth of that old adage was learned the hard way by the Snohomish County, Wash., Sheriff's Office, after it acquired a police dog named Yukon in 1996 for a mere \$1,000, or about one-fifth the usual asking price.

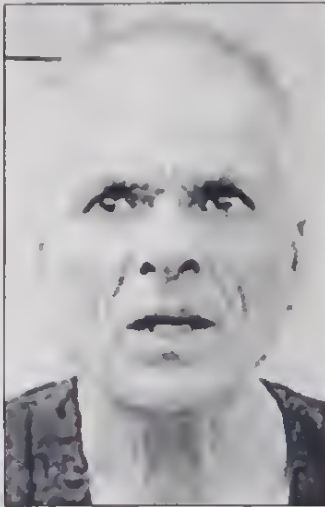
But the sheriff's office did not get the bargain it thought it was getting. In the end, the dog ended up costing the county more than \$400,000 to settle a federal civil-rights lawsuit brought by a Bulgarian burglar who lost nearly half his foot to Yukon's maw.

Apparently, the German shepherd had a problem controlling his bite — not only knowing when to bite, but when to let go. "It was a \$1,000 gamble," admitted Sheriff Rick Bart, who retired Yukon in February.

During the dog's 3½-year career with the sheriff's office, he helped deputies capture dozens of suspects, and in the process bit at least 15 people, not all of them alleged criminals. He also bit his handler, his handler's son and nephew, a neighbor and other deputies.

The 7-year-old dog had been sold to the Tacoma Police Department in 1996 when he became too much for his owner to handle. Officers there told the breeder who raised Yukon that he had been repeatedly hit. He was paired with a veteran patrol officer, Loretta Cool, who hoped to be the city's first female K-9 handler in decades. But Yukon proved too much for her, as well.

Training was supposed to last three



Yukon (top), the bite-prone police dog, and his most serious victim, Mincio Donciev.

months, during which time Cool was to teach the dog not to hold on after an order was given to break off an attack on a suspect. Yet even after more than four months, Yukon still was not performing properly, according to department records. Other agencies suggested using a choke collar and the dog was choked unconscious twice in 1996, once by hanging. Both times, documents show, he immediately bit someone on being revived.

The Tacoma department blamed Cool, who filed a gender-discrimination suit two years later, ultimately settling the case for \$150,000.

After washing out of Tacoma's K-9 program, Yukon was sold to Snohomish County. In 1998, during the arrest of 68-year-old Mincio Donciev, the perpetrator of a 12-year string of "mountain man" burglaries at remote cabins and homes, Yukon grabbed hold of the resisting suspect's foot and would not let go.

Sheriff Bart pointed out that Donciev stabbed the dog with a metal-pronged pole and fought officers as he tried to get his hands on two semiautomatic firearms he was carrying. But Donciev's court-appointed attorneys insisted that the lawsuit was about appropriate use of force.

"The strength of the case was really the history of the dog and that is where our focus was," said Susan Johnson in The Associated Press. Had the case gone to trial, she and her co-counsel would have argued that a properly trained police dog would have left bruises and a few puncture wounds. Instead, Donciev lost 40 percent of his foot. The county settled for \$412,000.

Although Yukon was retired because Bart felt the department could not defend another incident involving the

dog, he did defend Yukon. The dog, he told The AP, made dozens of successful visits to schools and community groups. In one case, he tracked and spotted a suspect in a tree, waiting to slam a log into a pursuer's head.

In the aftermath of Yukon's checkered police career, state Senator Jeri Costa of Marysville has said she may propose a task force of police, legislators and dog trainers to examine how police dogs in the state are trained and used. Washington, she noted, has virtually no standards to govern police dogs, requiring only that their handlers be trained.

Road warriors

Scores of police departments from California and elsewhere gave new meaning to the term "foot pursuit" this month when they participated in the 16th annual Challenge Cup Relay, an event known as the Baker to Vegas Run.

The two-day, 120-mile desert race, sponsored by the Los Angeles Police Revolver and Athletic Club, started on April 15 about 19 miles north of Baker on state Highway 127. From there the runners continued northeast on Highway 178 across the California/Nevada line, then traveled east along Nevada State Route 170 before finishing at the Tropicana Hotel and Casino on the Las Vegas Strip.

Participating in the relay this year were some 200 teams of police officers from agencies of all sizes in Nevada and California, including those in Los Angeles, San Diego, Colton, Redlands, Corona and Fontana, as well as Riverside and San Bernardino counties, the FBI, the Border Patrol and even the Royal Canadian Mounted Police. With 20 members to each team, each officer runs one relay leg, which can range from 4.1 miles to 8.2 miles in length and vary in difficulty.

Lieut. Bruce Rauch, captain of the Colton team, called the race the "Super Bowl of law enforcement." The race should draw between 15,000 and 18,000 participants and spectators into Las Vegas, he said. "We're getting better and better each year," he told The Riverside Press-Enterprise. "This year, one of our goals is to break the 18-hour mark."

The Colton team takes the technical aspects of the race one step further, making it a training exercise for emergency situations.

Each team is required to have appropriate clothing, two-way radios and vehicles in good working order. Colton's Radio Amateur Civil Emergency Service (RACES) team, however, will be pinpointing the exact location of each runner with a satellite-guided global-positioning system. Members of the team, coordinated by the city's Fire Department, will also have digital cameras and ham radios.

"We think it's a foot race for cops," said Rauch. "It's actually a radio event for ham radio operators," he said.

The Riverside County Sheriff's Office fielded four teams for the race, including the agency's first all-female team. "All the guys on the other teams laughed and said it would never happen," said co-captain Sgt. Perri Feinstein-Portales, 39. "They said, 'We'll believe it when we see it.' When we officially entered as a team and the

other teams found out that this was a real thing, all three [men's] teams took us under their wing and have done nothing but support us and help us."

Sheriff Larry D. Smith even paid the team's \$1,200 entry fee when he found out the women's team did not have a sponsor.

"We may be the slowest team on the course," said Feinstein-Portales, "but we are going to be the best looking and best dressed and we will finish."

As for who came in first, the California Highway Patrol, with a team of runners assembled from around the state, captured the highly competitive Open (elite) Division, followed by the LAPD's Metro Division. The Beverly Hills Police Department took the division for departments with 150 or fewer sworn officers.

Bunny tales

When his children were young, Warwick, R.I., police officer Timothy Colgan gave them the information they needed to keep them safe in the form of bedtime stories. Now he has expanded this practice to include all youngsters, in a self-published book aimed at teaching kids about child molesters.

The book, "Rory Stays Safe," features three bunnies who go swimming in a lake. One of them gets tired and goes to sit on a bench. While he is sitting there, a larger bunny sits next to him, hugs him and touches his private

area. The bunny, Rory, yells for him to stop, attracting the others. He tells his mother about the incident and they tell the police.

"Nobody wants to talk to their kids about molestation," Colgan told The Providence Journal. "This makes it easy."

Colgan, 44, who retired last year as a captain, was one of the officers who listened to the confession of Craig Price, a teenager who stabbed and beat to death a woman, her two daughters and a fourth victim. His job made him overprotective of his children, he said. "I don't want to say paranoid, but more careful."

The book, Colgan said, was an outgrowth of what he did to protect his two children, who are now in college and high school. But no book, he said, can replace open communication between a parent and a child.

Indeed, while "Rory Stays Safe" was found to be a useful book for first- and second-graders by Elda Dawber, the director of education and training for the Sexual Assault and Trauma Resource Center in Providence, it must be accompanied by other kinds of instruction, she told The Journal.

For example, Colgan's book deals exclusively with protecting children from strangers, but in the vast majority of molestation cases, said Dawber, the crime is committed by a relative or close acquaintance. The concept of what constitutes a stranger needs to be explained to children who often think of strangers as someone who is unkempt. They are often willing to follow, however, someone who appears friendly and well groomed, she said.

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Arms control

Newark, N.J., Mayor Sharpe James, with Police Chief Anthony Ambrose 3d (l.) at his side, launches the city's latest gun-buyback program on April 25. The program will use a \$715,000 federal grant to pay gun owners for weapons they hand in, no questions asked, at police stations. On display were weapons collected in the last buyback effort, in April 1998. (Photo: Bill Ramos)

Elian case fallout topples Miami chief

With this month's seizure by federal agents of 6-year-old Cuban refugee Elian Gonzalez from his Miami relatives' home, the city's government was thrown into turmoil as City Manager Donald Warshaw was fired, Police Chief William O'Brien resigned, and a new leader for the department was chosen without the support of top city administrators.

The loss of key municipal and public safety officials began when Mayor Joe Carollo, angered that O'Brien did not notify him that the boy was to be taken away in a pre-dawn raid on April 22, ordered Warshaw to fire the police chief. Refusing, Warshaw was terminated. The 56-year-old O'Brien, a former SWAT team member who was named chief in 1998, subsequently quit.

"I refuse to be the lightning rod of divisiveness in this community," he told The Associated Press. "I refuse to be the chief of police in a city that has someone as divisive and destructive as Joe Carollo as mayor."

According to O'Brien, he had one hour's advance notice of the 5:15 A.M. action and did not want to tip off the mayor. Carollo, who is Cuban-American, had openly sided with the Gonzalez family in the bitter, ongoing dispute over where Elian would live.

Carollo also demanded that O'Brien be fired because he allowed Maj. John Brooks, the department's second-in-command, to ride in the van that took the boy away. Days before the raid, the Mayor had declared that the city's police officers would not help Immigration agents remove the boy from his Miami relative's home. The police department said Brooks had to go along because police on duty at the house needed to know that an official action was taking place. They had only a moment's notice of the action.

Under the city's charter, the mayor cannot fire the police chief. Of O'Brien's resignation, Warshaw told The AP: "He's not leaving to save my job. There are no deals being made. My fate is pretty much in other people's hands."

Although Carollo's decision to sack Warshaw, himself a former police chief, can be overturned within 10 days by a vote of four of five members of the city commission, Warshaw said he did not plan to lobby for his job. He has been accused of extortion by Carollo, who claimed that the city manager tried to blackmail him and misused city funds while police chief. Carollo has asked that Warshaw disclose records from that time, contending that personal expenses were charged to an American Express card and that Warshaw used a youth group's office at the police department as a billing address.

"The city manager sent an extortion demand to me that if I fired him he would take me out as mayor... would

file criminal charges against me... (and) I would lose my pension." Carollo was quoted by The AP. "No city manager should be allowed to extort a mayor in any city in America."

On that same day, Warshaw appointed a new police chief, Raul Martinez, a 24-year veteran of the Miami Police Department and a former

assistant chief. Although he becomes the first Hispanic police chief in the city's history, Carollo was not impressed with the selection. Martinez, 41, who is of mixed Cuban and Puerto Rican descent, "doesn't even speak Spanish," said the Mayor.

In any case, Martinez can only be fired by the next city manager for in-

competence, neglect of duty, drunkenness, immorality, failure to obey orders given by a proper authority, or any other "reasonable cause."

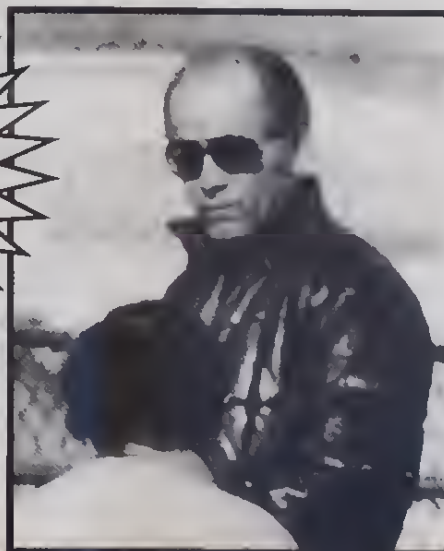
In a related development, the city commission voted to create a committee to investigate police involvement in the raid and any suspected brutality that occurred during a demonstration that

drew hundreds of people from the city's Cuban-American community. More than 300 protesters were arrested by police in riot gear who used tear gas to disperse the crowd. At a hearing held by the commission, some 150 residents crowded the chamber, holding pictures of people they claim were bruised by overzealous police.

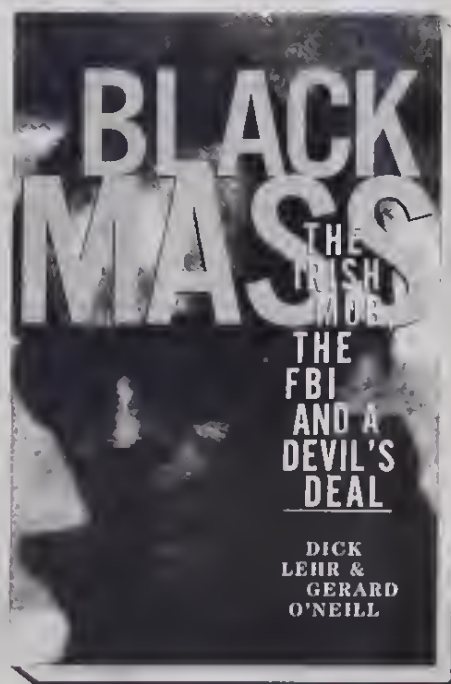
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More Feds, mostly on the border

Continued from Page 1

nationwide, although state ratios ranged from 68 per 100,000 in Arizona to 4 per 100,000 in Iowa.

California and Texas had the greatest number of federal officers assigned there, 11,868 and 11,059, respectively. Most of these were employed by the INS, which has 4,666 agents in California; 4,560 in Texas; 1,602 in Arizona; 1,188 in New York; 787 in Miami; and 511 in New Mexico. But more than one third of FBI agents were stationed in the District of Columbia (12 percent); California (12 percent); and New York (11 percent).

The states having the fewest federal agents were New Hampshire, with 67, Delaware with 93, and Rhode Island, with 101, said the report.

Overall, women accounted for 14.2 percent of all federal sworn personnel. After the Internal Revenue Service, which had the largest number of female officers at 25 percent, was the U.S. Customs Service, with women representing 18.6 percent of agents.

Among the major agencies under the Justice Department, the FBI had the greatest proportion of female sworn personnel — 15.9 percent. The lowest figure came from the DEA, with just 7.9 percent. At the INS, Marshals Service and Bureau of Prisons, women account for 12 percent of officers.

The INS, however, has the second largest minority representation in its ranks after the Federal Protective Service, with 40.8 percent. It also employs the largest percentage of Hispanic officers (32.0 percent). Overall, nearly three in 10 federal law enforcement agents were members of racial or ethnic minorities (29.2 percent).

Local law enforcement around the nation, was also found to have grown by an average of 3 percent a year from 1993 to 1997, with an estimated 531,496 full-time sworn personnel on the job, according to an earlier report by BJS.

Members of racial and ethnic minorities, it said, made up 21.5 percent of sworn local police officers, as compared to 19.1 percent in 1993 and 17.0 percent in 1990. In sheriff's departments, which have seen average annual growth of approximately 4.4 percent since 1993, minority representation was at 19 percent in 1997, as compared with 13.4 percent a decade earlier.

Where have I seen that before?

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Counties tell Feds, "Enough's enough" with border drug cases

Prosecutors in counties along the Texas-Mexico border have issued an ultimatum to the Justice Department: Reimburse us for the costly prosecution of cases involving relatively small amounts of drugs, or we will stop accepting the cases as of July 1.

The showdown comes after years of county governments picking up the tab for prosecuting offenders caught by federal agents with 50 pounds of marijuana or less at ports of entry and immigration checkpoints. Such cases, which do not meet the weight requirement for federal prosecution, cost each county an estimated \$2 million to \$8 million a year.

According to Rob Kepple, general counsel for the Texas District and County Attorneys Association, tons of illegal drugs are seized each year by federal agents, generating hundreds of criminal cases that are then turned over to local prosecutors and police, creating a tremendous drain on resources.

"The Texas prosecutors, along with Arizona and New Mexico, have tried to work for the last couple of years with the federal government and have met personally with [Attorney General] Janet Reno a number of months ago to try to get some help," Kepple told Law Enforcement News. "They perceive this as a federal problem, a problem of the entire United States."

Cameron County District Attorney Yolanda De Leon told The Houston Chronicle: "They've told us they don't have the resources because they're so overburdened. The counties on the border are the poorest kids on the block, and I think they have borne an unreasonable burden for too long."

De Leon estimated that her office in Brownsville handles between 60 and 250 federal cases a year. Jaime Esparza, the district attorney for El Paso County and two other West Texas counties, said his office handles 800 to 1,000 cases for the federal government, in addition to 5,000 state felonies and 16,000 misdemeanor cases.

"What we're telling them is as of July 1, prosecute your own cases," Esparza told The Chronicle. "The cost of prosecution, investigation, incarceration, court costs, indigent defense [attorneys], transportation, probation and appellate costs should be carried by the federal government, and not by the border counties."

In 1997, Webb County District Attorney Joe Rubio began refusing to accept federal cases — a move applauded by border prosecutors. But Rubio claims that since that time, federal officials have struck back by launching an intensive public corruption investigation of his office that resulted in indictments against his father, brother and cousin last year.

While district attorneys' offices bear the brunt of the problem, local law enforcement agencies have found themselves strained by federal cases, as well.

Two years ago, the Combined Governmental Drug Enforcement and Serious Crime Task Force, a group comprising seven municipal agencies plus the Hidalgo County District Attorney's office and Sheriff's Office, the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco and Firearms, also stopped taking drug cases that did not meet the federal threshold, said Lieut. Harry Caldwell. In the spirit

"The counties on the border... have borne an unreasonable burden for too long."

— Cameron County District Attorney Yolanda De Leon

of cooperation, he told LEN, the agency had tried to help out, but found itself "ferrying" federal prisoners.

"What we ran into was we were burning up all of our overtime budget with guys that would have to sit two or three hours, sometimes longer, because they would have to complete their federal paperwork, then still do a probable cause statement before we could accept them," said Caldwell. "It just became very cost-prohibitive for us."

The El Paso County Sheriff's Office found itself in the same predicament, said Lieut. Marvin Ryals, noting that last year, it stopped going after the smaller drug busts. The department found that it was not benefiting the agency, but rather just collecting marijuana and arrest statistics.

"We work under a Department of Justice grant, so we went out to these bridge cases to try to help them out, but the high amount of cases we were getting was just depleting our overtime," Ryals told LEN.

Sgt. Al Velarde of the El Paso Police Department said officers are sent out to handle marijuana cases that range from a single joint up to just under the 50-pound limit. "We get two or three of these cases at the [international] bridge, and these officers are being taken out of service to make arrests that

normally take two or three hours to process," he told LEN. "They're not available to the field for other duties they need to be out there for."

The number of cases that are being turned over to the local criminal justice system also seems to be increasing, according to McAllen Police Chief Alejandro R. Longoria. The distribution of the drug trade, he told LEN, has changed to smaller amounts that fall under the federal threshold.

"What it seems to be is that there are so many more distributors involved," said Longoria. "That seems to be how they are getting around intense law enforcement efforts. Of course, that entails many more little cases, so the weight has been shifted" to county prosecutors.

Ryals agrees, saying that drug traffickers have become more wise to the laws. Even the state law, he said, bases the seriousness of a charge on the weight of the marijuana. "They sometimes will keep it right under the 50 pounds so they don't get the next level of offense."

So far, according to Kepple, there has been no reply from the Justice Department to the ultimatum, which he said landed with a "dull thud." But Houston-based assistant U.S. Attorney Greg Serres told The Chronicle that even if local prosecutors refuse to accept cases, it would not mean the release of suspects.

"If all of a sudden we have to prosecute those cases, it will take up a lot of our resources, and we will have to find a way of addressing those cases because we will not let those offenders walk away," he said.

Going, going gone: Cash, drugs vanish from Fresno PD property room

An additional \$67,000 in cash was found to be missing by Fresno, Calif., Police Department internal auditors this month, making a total of \$240,000 that has seemingly disappeared from the agency's evidence room.

"We want to make it clear that it is not a new incident," a department spokesman, Lieut. John Fries, told The Fresno Bee. "It's a continuation of the examination of the records to make sure

that we can account for every dollar that has been entrusted to the property room."

Last year, Police Chief Ed Winchester admitted that an AR-15 assault rifle was missing from the department's arsenal. A week prior to that revelation, it was found that explosives had been stolen from a remote police bomb-squad bunker. More recently, a narcotics officer reported in March that 11

pounds of cocaine confiscated in 1989 and used for drug operations was gone. In the weeks that followed, more than \$200,000 in cash has been found missing. The state Attorney General's Office has been called on to conduct its own probe, said Fries.

Although city officials had vowed that heads would roll when the missing cash and cocaine came to light, they now contend that Winchester is doing

what is necessary to resolve the situation. The chief met with City Council members Ed Perea, Garry Bredefield and Tom Boyajian in an hour-long session on April 27 and, said Bredefield, "Obviously, everyone is focused on this as a problem."

Perea and Bredefield said they had not lost confidence in the chief, but they refused to say when council scrutiny of the agency would be over. "I think the chief would acknowledge that there has been sloppy accounting for decades," Bredefield told The Bee. "The accounting systems simply have not been in place. The chief, along with staff, are working hard to rectify that."

Winchester has already proposed using an electronic bar-code system to keep inventory and assigning more support staff to the evidence room. While the City Council cannot force the department to hire an outside agency to conduct a more extensive operational audit of the evidence room, members urged Winchester to take that step. The council, said Perea, would provide the money to hire the agency.

If Winchester does not hire outside auditors, said Perea, and department administrators come to the council in July with a budget asking for more inventory equipment for the evidence room, "I'm going to ask how they came to the conclusion that they needed it since there was not an extensive operational audit."

Cop, cleared in assault, now wants his own day in court

A Little Rock police officer acquitted earlier this year of felony aggravated assault against a teenager is suing the boy's parents for malicious prosecution, claiming they are trying to have him punished for lawful behavior and get him fired.

In March, a Circuit Court jury found Officer Ryan McCormick, 25, innocent of charges stemming from a May 2, 1999, off-duty incident in which he pulled his weapon on a teenager who had thrown sticks and stones at his passing truck.

But the boy's parents, Judith and William Williams of Maumelle, would not let the matter drop. According to McCormick's attorney, one of the Williamses met with Police Chief

Lawrence Johnson this month, saying that if the officer was suspended for just five days, the decision would be appealed to the Little Rock Civil Service Commission.

"The defendants in this lawsuit won't give up," said McCormick's lawyer, Janan Arnold Davis. McCormick claims that the Williamses are trying to "send a message" to police officers.

McCormick, who is seeking monetary damages, was acquitted after a two-month internal investigation by the police department, during which time he was on leave without pay. He testified in court that it was only after the third time he had identified himself as a police officer to the teenager, Jordan Williams, and told him to show his

hands that the boy complied. When he realized he was not armed, he put his gun away and patted Williams down, McCormick testified.

The teenager, he said, apologized several times for throwing the sticks and debris at his vehicle, as did his mother, until she found out McCormick had drawn his gun. Judith Williams told the court that McCormick said that as a police officer, he had the right to draw his gun whenever he felt the situation called for it.

Her son testified that he had never heard McCormick identify himself as an officer, or tell him to place his hands on his head. McCormick said Williams kept the gun pointed at him and patted him down.

Poaching, rustling, horse thievery — very real problems for rural PDs

With much of California's landscape given over to farming and ranching, there is not as much distance as one would imagine between microchips and cow chips — even in Santa Clara County, which, despite being home to Silicon Valley, is more than two-thirds rural.

It is for precisely that reason that, twice a year, the California Rural Crimes Task Force operates its Rural Crime School in Gilroy, a 40-hour training program for investigators that covers cattle rustling, horse thievery, deer poaching, oil and irrigation field theft and dog-fighting, among other offenses that take place on farms and range land across the state.

"People don't realize," said Deputy Glenn Dolfin of the Santa Clara County Sheriff's Department, who heads the school. "They hear about a cattle rustling case and they find it hard to believe it's still going on. They find it more of an Old West-type situation. But over a million-plus dollars are lost a year to cattle theft," he told Law Enforcement News.

Over the past four years, the school has trained more than 400 law enforcement officers from California and other states, including Idaho and Wyoming, said Dolfin. The course gives urban investigators a basic idea of how to handle a case, he said, and provides them with the phone numbers of experts they can consult as the case progresses.

Most counties in California have significant areas of agricultural or undeveloped land, said Dolfin. Santa Clara County, for example, is approximately 60 percent rural, with Silicon Valley making up just a small part of the region. Recently, eight counties formed a rural crime task force with a federal grant. "There's really no other program like this in the country," said Dolfin. "People just don't associate crime and rural areas."

But in fact, cattle rustling occurs in every Bay Area county except for San Francisco. A report in The San Francisco Examiner pointed out that 45 cattle were reported stolen in the San Gregorio area of San Mateo County in 1997. More were stolen and three killed that same year in Alameda County near Altamont Pass.

With the help of a herding dog, such as an Australian shepherd or a blue heeler, rustlers can load up 10 to 15 head of cattle on a trailer and be on the

Rural Crime School helps cops feel more at home on the range.

road within minutes, Dolfin noted. "By the next morning, you could be a few hundred miles away," he said. "If the cattle are turned out to pasture, and no one checks on them for a few days, those cattle could be a thousand miles away by the time anyone notices."

The hardest rustling cases to crack are "single-cow thefts," when only one cow is taken out of a herd and the owner does not report the crime. Often, thieves will shoot the cow in the head and take it to a nearby restaurant where the owner has already agreed to buy it. Sometimes, thieves will kill the cow and just take its tongue, said Dolfin, who recently worked such a case.

The school also trains investigators in how to spot marijuana farms and methamphetamine labs, a problem so pervasive in rural areas that many agencies send officers to programs that focus solely on the issue. At the Rural Crime School, a whole day was spent on drug labs, with investigators learning every step of the drug's production.

Apparently, Martha Stewart sheets from K Mart are a favorite of methamphetamine manufacturers because of their high thread count and low prices.

Another common crime in rural areas is the theft of frozen bull semen, often worth more than \$1,000 "a shot" on the legal market to successfully impregnate a cow. On the black market, shots sell for \$100 to \$500 a shot and the frozen semen is usually stolen by an employee, said state officials. "There are people willing to buy frozen bull semen to upgrade their herds," said Judy Dillon of the California Bureau of Livestock Identification. "It sounds strange, but it's like any crime: If there is a market, someone sees an opportunity," she told The Examiner.

Such is the case with avocados, a high-priced crop stolen from trees in San Luis Obispo, Ventura and San Diego counties. One truckload can net more than \$1,000 from a restaurant or market. While some farmers have tried to protect their crops with guard dogs or surveillance cameras, most people who steal produce get away.

States, six of them in Southern California. The technology works by evaporating zinc and gold and depositing them as thin layers onto a piece of evidence. Fingerprints and other marks show up against the darkened object as a lighter color.

The Visalia Police Department bought the machine with part of a \$115,550 grant it received in April from the California Law Enforcement Technology Equipment Purchase. While Nelson said he had heard about the machine several years ago, the department did not have the money to buy it, since most of the department's budget is earmarked for personnel. But Nelson

City has high-tech hopes for improving fingerprint acquisition, crime clearance

How much is it worth to clear just one homicide? The Visalia, Calif., Police Department believes it is easily worth the \$75,000 cost of its new high-tech fingerprint-recovery device.

The device, which has been used for decades in the United Kingdom, can recover decades-old prints on such objects as plastic bags and hottles. "It's allowing us to get into the next generation of technology," said Assistant Police Chief Jim Nelson. "We should recover a lot more fingerprints from crime scenes," he told The Fresno Bee.

Steve Todd, owner of Vacuum Metal Deposition in Costa Mesa, said that 12 of the machines exist in the United

The agony of Ecstasy

Customs, other Feds tackle rising drug fad

As the popularity of the psychedelic drug Ecstasy climbs to a fever pitch among the nation's high school and college students, federal law enforcement agencies are responding in kind, significantly stepping up efforts to crack down on Ecstasy rings responsible for bringing millions of the tablets into the country from Belgium, Holland, Switzerland and other European countries.

The New York/New Jersey area has apparently become ground zero for Ecstasy smuggling, with a quarter of all seizures of the drug taking place at Newark International Airport or John F. Kennedy International. Customs Service inspectors reported confiscating 3.5 million pills throughout the country during fiscal year 1999, compared with 750,000 the previous year. Some 1.3 million tablets were seized last year in the New York City area alone. In 1998, the number was just 48,400. Customs Commissioner Raymond Kelly said he expected 8 million Ecstasy pills to be seized by the end of this year.

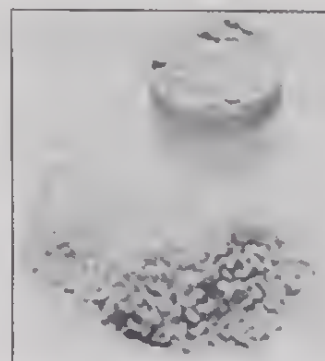
"We've found that the large smuggling groups are highly compartmentalized from production to distribution," he said. "Each part tends to operate independently, making the organization difficult to penetrate."

And with its multimillion-dollar profit potential, the drug has attracted a motley collection of traffickers, including everyone from Hasidic Jewish teenagers to organized crime figures like infamous Mafia informer Salvatore "Sammy the Bull" Gravano, who was arrested Feb. 24 for his alleged role in an Ecstasy ring operating out of Phoenix.

Classified as a Schedule I drug, like heroin or cocaine, Ecstasy, which is the street name for MDMA or 3,4-methylenedioxymethamphetamine, lasts about four hours and produces a euphoric effect in users. In fact, noted The New York Times, a Web site recommends to enthusiasts that among the "nice things to do" while on Ecstasy is having someone wash your hair, roll naked in leaves, and cover your body in vapor rub. While Ecstasy costs less than a dollar per pill to make,

the tablets sell for as much as \$40 each.

Using his agency's web site, www.customs.gov, Kelly has warned parents about a "full-fledged" Ecstasy epidemic that is spreading from rave parties held in urban areas to suburbia and other sheltered communities. "There's a notion that Ecstasy makes you feel



good, that there's no downside," he said. "But there's plenty of horror stories." In addition to causing severe dehydration, dizziness and headaches, he and others cite medical evidence asserting that prolonged use of the substance can lead to depression, memory loss and permanent brain damage.

As part of the crackdown, the Customs Service announced in March that it would form an Ecstasy task force, and has trained 13 dogs to sniff out the drug at airports in New York, Miami and

Los Angeles, as well as at border crossings. At Newark, Customs inspectors look for marijuana, cocaine and Ecstasy, which shows up on X-ray screens as small, white dots. It is mainly smuggled in luggage carried by couriers from Europe, but it has also been discovered stashed in airmail packages, imported cars and antiques.

The most recent seizures have come from France, Switzerland and Dusseldorf, Germany. A lawyer arriving from Paris was caught with 21,000 pills during a routine Customs inspection at Kennedy Airport. Authorities said the tablets were ordered by a tavern owner in Manhattan's Greenwich Village.

Investigators also broke up the smuggling activities of a group of Hasidic men who flew in millions of pills in exchange for cash and free trips to Belgium. "We may have to start checking all of the flights out of Europe soon," said Beverly Johnson, a senior Customs Service official.

In New York, some 300,000 pills, worth an estimated \$7.5 million, were seized after investigators monitoring a wiretap overheard an Israeli living in Queens discussing the illicit deliveries of Ecstasy to Manhattan hotels. The man, said authorities, was part of an international smuggling ring; 32 arrests were made.

Town's police force is spared the ax, as savings came at too high a price

The savings garnered if the city of Mapleton, Utah, had disbanded its police force in favor of a contract with the Utah County Sheriff's Department: \$117,000 in the first year. The report between the public and the town's eight-member force: priceless.

That message from residents was apparently heard loud and clear this month by City Council members, who bowed to the public's wishes and voted down a proposal by Mayor Richard

Young to terminate the entire force, including Police Chief Bret Barney and a pool of part-time officers, in favor of police protection provided by county law enforcement.

A report by City Administrator Keith Morey said the city would save at least \$117,000 under a contract with the sheriff's department. The agency had offered a bid of \$394,169 for the first year as compared with the city police department's budget of \$566,300 — including a \$55,102 federal grant used to pay part-time officers — for the fiscal year beginning July 1.

While Sheriff David Bateman said the county would provide more service than Mapleton has now, including a crime lab, bomb squad and K-9 unit, Barney asserted that the level of coverage would be cut by half. Residents were told that the eight-member force would be replaced by six deputies.

Contracting for police services with a larger department has been made by other cities as a cost-saving measure, especially in neighboring Weber County, where the Ogden-based sheriff's office has absorbed departments in Fair West, Plain City, Uinta, Huntsville and West Haven.

A.K. Greenwood, Weber County's chief deputy, said police forces in those towns have become precincts and their chiefs, captains. While duplicate ad-

ministrative positions were pared, most officers were retained, he said. Moreover, by contracting with the Sheriff's Department, cities gained access to SWAT teams, narcotics investigators and the crime lab.

Young said he found no fault with the police department, but that he wanted the city to have the best police protection for each tax dollar spent. The move to disband the department came one month after Mapleton paid \$56,000 for land around the police station. Young said the purchase was for an expansion of ambulance facilities.

But Mapleton residents were incensed by the proposal. A petition containing some 1,000 signatures was presented at a hearing called by the City Council on April 25 to gauge public sentiment. Residents told council members then that they preferred the personal touch they received with their own officers. "It's priceless — the rapport we have with our officers," Elizabeth Deters told The Deseret News.

During the final vote on April 28, the verbal attacks on Morey were so vicious that police walked him to his car. Councilman John Roylance resigned after the meeting, saying he was "embarrassed" for the community. "I understand now how mobs get started," he said, adding, "We made a mistake" in bringing the plan before the public.

Fyfe:

Reaching a proper verdict in the Diallo case

By James J. Fyfe

I consulted and testified as an unpaid "police practices expert" in the Amadou Diallo prosecution because I was convinced of two things: First, convictions would have compounded an already terrible tragedy; second, the jury would convict only if it overlooked the law and the facts and, instead, decided the case on the basis of the emotion and politicization it has engendered.

To convict, the Bronx District Attorney needed to overcome two obstacles. The first was a major difference between civil law and criminal law. Deaths caused by good-faith mistakes on the part of people who are properly performing their jobs are civil wrongs, and usually result in compensation to decedents' survivors. But, historically, we have not criminalized such mistakes. The second was the burden of convincing the jury beyond a reasonable doubt that, during the few seconds when they pulled their triggers, the accused officers did not fear for their lives. It is very difficult to prove a negative and, given the evidence, I saw that this proposition did not apply to the four accused officers. Under the circumstances they faced, any reasonable cop would have feared imminent death.

Consider the first obstacle, the difference between civil and criminal wrongs. Every experienced police officer knows of emergency room doctors who, despite the most advanced technology in the world, have made mistakes that have killed or maimed people. Every newspaper reader knows that, despite its sophisticated intelligence operations, our military mistakenly bombed a Chinese Embassy, killing innocent people and created an international incident. These are not treated as crimes because we recognize that it makes no sense to punish people who, in the course of exercising their professional discretion, make honest mistakes that involve no intent to do harm, no venality and no recklessness.

This is precisely what happened on the terrible night that Mr. Diallo died. This tragedy began when Sean Carroll, one of the four officers who were cruising a residential street in an unmarked car, saw a man at the entrance to an apartment's darkened hallway. The man was ducking his head

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in and out of the building in a way that appeared to Carroll — and to a neighbor who had passed by moments before — to be suspicious and to indicate that the man did not want to be seen. Carroll asked Officer Kenneth Boss, the car's driver, to stop so the officers could check out the man. The man, we all now know, was Amadou Diallo, who lived in that building. Carroll had no way to know this. Instead, at 12:30 A.M. on a cold February night — in a neighborhood so blighted that all the witnesses to the shooting were familiar with the sound of gunshots in the street, that the next block had been barricaded to prevent drug sales, and that officers from the city's elite Street Crime Unit were assigned to patrol in fours — Carroll saw and decided to act upon something that any officer would reasonably regard as suspicious and worthy of a brief investigation.

cious person in this way. I am convinced that he did. When I interviewed the four officers months after the shooting, all had been under strict orders to say nothing about the case to anybody but their individual lawyers. I questioned McMellon carefully about what he had said to Diallo. He told me that it was his routine to use this non-confrontational phrase in field stops even though his colleagues had teased him for being "too polite." Other officers substantiated this claim. He stuck with this phrase because he had learned that, most often, behavior that appeared suspicious turned out to have an innocent explanation. A more forceful challenge in such situations, McMellon told me, usually only alienated people unnecessarily, and so he avoided it. This made sense, and was confirmed to me by Carroll, the only other officer close enough to hear what McMellon had said.

Murphy four times, Boss five — and ducked to cover. Carroll also took cover, backing down the stairs, and emptying his magazine as he did so. McMellon, still on the sidewalk, scurried out of what he thought was harm's way, also firing 16 shots.

The shooting, as described by all the "ear-witnesses" but one, whose incredible testimony apparently was rightly rejected by the jury, lasted only four or five seconds — an estimate supported by electronically timed tests in which I participated. The D.A. alleged that Diallo was already down when he was hit by most of the shots. The most important flaw in this claim was that when Diallo was standing, his left side faced the police, and that is where almost all their shots hit him. But, on the floor, Diallo's right side faced the police. Thus, the claim that Diallo had been shot while on the floor could be sustained only if it could be proven that, in the few seconds after the shooting, the officers had the foresight to anticipate the prosecution theory and to rearrange Diallo's body and foot to confound it. No evidence supported this speculation.

Further, if the police wanted to lie their way out of the accusation sure to be raised against them for firing 41 shots at an unarmed man, one might wonder why they did not just tell the irrefutable Big Whopper by planting a knife near Diallo's body and claiming that they had mistaken its glint for that of a gun. This would have closed this case, as it has several others of which I am aware. But instead, Carroll told me that he did not realize that the object he had seen was only a wallet until, in that darkened hallway, he bent over to retrieve it and felt not the cold hardness he anticipated, but the soft warmth of a leather wallet.

Still, why 41 shots? The answer is complicated. None of these officers had a plan for a designed shooter, should the need for such force arise, and none is a homicidal maniac. Instead, all are fine young men who all saw the same thing and, in those few seconds, responded to it in the same way. Instead of proper hollow-tip ammunition, the bullets they fired at Diallo were military-style, full metal jacket, ball ammunition. These had been issued to all NYPD officers largely in response to public complaints that wrongly equated hollow-tips with dum-dum bullets. Instead of knocking him down, 16 of the 19 bullets that hit Diallo passed right through him, causing virtually no external bleeding or other indications that he had been hit. A few weeks after the Diallo death the NYPD corrected this well intended attempt at humaneness by re-equipping officers with the hollow-tip bullets that have become the standard for urban policing elsewhere in the United States.

The police assaults on Rodney King and Abner Louima were crimes — we should not confuse the Diallo tragedy with them. Neither the beating of King nor the bestial assault on Louima involved professionals trying to do properly what they were trained and expected to accomplish. Instead, the cops who went to jail for those offenses were thugs, who simply tried to teach "troublesome" black men a lesson, and then lied about what they had done. That distinguishes these cases from what those four Bronx cops were attempting to do when they mistook Diallo's wallet for a gun: These four were acquitted not because the jury was manipulated, but because they had committed no crimes.

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If the police wanted to lie their way out of firing 41 shots at an unarmed man, why didn't they just tell the irrefutable Big Whopper by planting a knife near his body and claiming that they had mistaken it for a gun?

I believe that it is legitimate to take into account this neighborhood context in assessing Carroll's decision to stop and question Diallo. I also believe that it is specious to claim that the behavior would not have been regarded as suspicious if it had occurred in one of New York's "nicer" neighborhoods, or if Diallo had been white. Had Carroll seen a man, black or white, acting in this manner at 12:30 A.M. at the doorway to either a Park Avenue apartment or a suburban home, he would have been neglectful had he overlooked it.

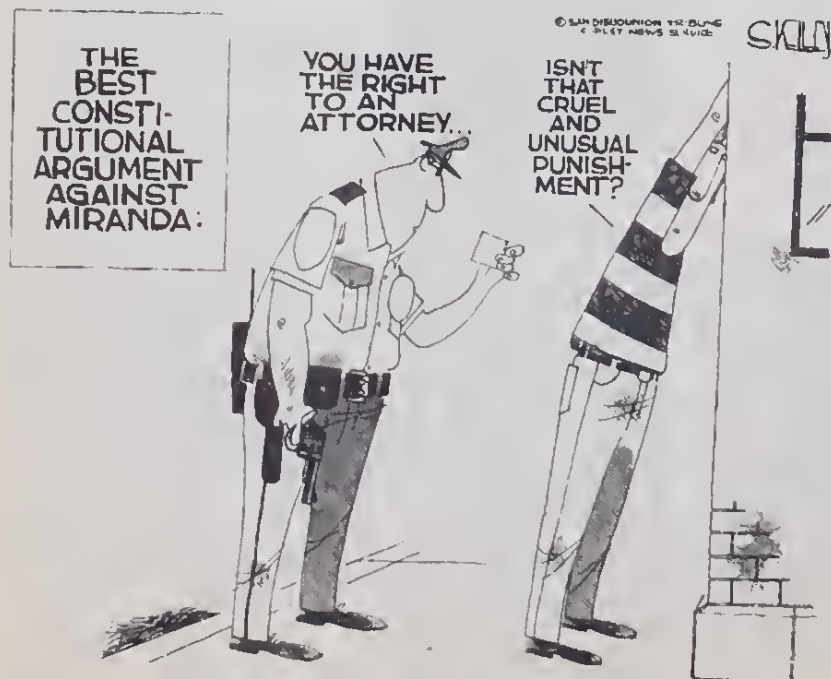
Boss stopped, and Carroll and Officer Edward McMellon, both of whom had been sitting on the car's right side, got out to approach Diallo. Boss and Richard and Murphy, the police car's fourth occupant, stayed in the car to be ready to head off Diallo in the event that he fled on foot. Properly, but innocuously, Carroll and McMellon kept a parked car between themselves and Diallo while they identified themselves. They did this, they both told me and testified, by holding their badges out toward Diallo while McMellon said: "New York City Police. Can I have a word with you?"

Some people doubt that this young plainclothes officer, working tough duty in a tough neighborhood, would open a conversation with a suspi-

But, instead of talking with the officers, Mr. Diallo turned away and quickly ran into the apartment's vestibule. As he did so, Carroll and McMellon told me, Diallo stuck his right hand into a pocket, "frantically" attempting to pull something out. Carroll and McMellon left the cover of the parked car and, shouting warnings and drawing their weapons, ran after Diallo at full-tilt. When they reached the top of the apartment's steps, they stopped suddenly at its threshold, surprised to see that Diallo had not been able to get through the vestibule's inner door. Caught in mid-step, they shouted at Diallo to show his hands. Instead, with the left side of his body facing them, Diallo used his left hand to struggle with the door-knob and continued to tug at his pocket with his right. He never said a word, and the officers pointed their guns and shouted at him.

Suddenly, Diallo's right hand came out of his pocket, holding something black, and pointing it out at them as though it were a weapon. For skeptics like me, this is a familiar and tired story — except that it was confirmed in statements made by Schrie Elliott, a passerby who was the only civilian eyewitness to the shooting. In 1999, in two anonymous interviews made with voice and face obscured, Elliott told a television reporter that she had seen Diallo pull something from his pocket and point it, weapon-like, at the police. In these interviews and in a sworn statement to the FBI, Elliott also said that, to her disbelief, Diallo had remained on his feet throughout the shooting that followed. If many of you have not heard of Elliott and her original accounts (subsequently denied at a grand jury proceeding), there is an explanation. For nearly a year, the Bronx District Attorney concealed both Elliott's identity and her sworn FBI statement from the defense. Only in mid-trial, when the judge ordered the prosecution to turn over Elliott's identity and statement, did the defense learn who she was and what she had told the FBI.

Carroll and McMellon mistook the wallet in Diallo's hand for a gun and began firing. Carroll tried to find cover in a nook in the 5-by-7-foot vestibule, and McMellon retreated so fast that he fell backwards down the stairs, injuring his back. Boss and Murphy, who were running from the car to help their two colleagues, understandably thought that McMellon had been shot, and ran to help him. They saw that McMellon was not hit and looked into the darkened hallway, where they both saw Diallo, arm extended, pointing at them with what they thought was a gun. Both fired —



Court slaps new curb on luggage search

Look, but don't touch, said the U.S. Supreme Court this month when it ruled that police can visually inspect travelers' luggage but not squeeze or physically manipulate a bag to determine whether it contains drugs.

The 7-2 decision in *Bond v. U.S.* (No. 98-9349) was a disappointment to some police organizations, coming as it did on the heels of another case in which the Court curtailed law enforcement's authority to act on anonymous tips. It overturned the conviction of Steven Dwayne Bond, who was serving a 57-month sentence for transporting methamphetamine on a bus stopped by the Border Patrol near El Paso. An agent checking the passengers' immigration status squeezed a canvas bag in a bin above Bond's head. A "brick-like" shape inside the luggage led him to suspect that it contained drugs.

Obtaining Bond's permission to open the bag, the agent found the object wrapped in a pair of pants. Tests showed that it contained methamphetamine.

In 1997, the defendant asked that the trial judge to rule that the drugs could not be used as evidence since the squeezing of his luggage constituted a violation of Fourth Amendment protection against unlawful searches. But the judge ruled against Bond, as did the U.S. Court of Appeals for the Fifth Circuit. Bond, it said, had given up any reasonable expectation of privacy when he "exposed" his bag to the public by putting it in the overhead bin.

The Supreme Court, however, found that the agent went too far when he squeezed the bag without any reason to believe it contained contraband. "A bus passenger clearly expects that his bag may be handled," said Chief Justice William Rehnquist. "He does not expect that other bus passengers or bus employees will feel the bag in an exploratory manner."

It is considered unlikely that the ruling will extend to air travel, where the public has less of an expectation of privacy due to security issues.

Justice Stephen G. Breyer, in a dissenting opinion that was joined by Jus-

tice Antonin Scalia, asked how the treatment of luggage by law enforcement in this case differed from the type of rough treatment afforded soft baggage by strangers. "I think not at all," he wrote.

The decision, said Breyer, would do little to protect true privacy, and bring into constitutional question various techniques for checking luggage. Travelers who wish to protect the privacy of their carry-on baggage, he said, "should plan to pack those contents in a suitcase with hard sides, irrespective of the court's decision today."

Said Robert Scully, executive director of the National Association of Police Organizations: "It will directly impact the ability of federal and state law enforcement officers, especially those near the U.S.-Mexico border, to enforce effectively the nation's drug laws against those carrying large amounts of narcotics on public transportation."

The Supreme Court also heard arguments last month in an appeal that calls into question New Jersey's Eth-

nic Intimidation Act, a hate-crimes law that gives judges and not juries the authority to decide when a crime was motivated by prejudice, thus permitting a lengthy sentence.

In the case of *Apprendi v. New Jersey* (No. 99-478), the law is being challenged by a man who fired several .22-caliber rounds into the house of a black family in Vineland in 1994. At first, the defendant, Charles C. Apprendi Jr., told police he wanted to send the family a message. Later, he said he had no racial motivation, but rather suffered from an obsessive-compulsive disorder, and, while under the influence of drugs and alcohol, had an urge to shoot at the home's brightly painted front door. He pleaded guilty to unlawful possession of a firearm, a crime that carried a 5- to 10-year sentence.

The judge in that case, however, ruled that a preponderance of evidence indicated that the shooting was motivated by bias, and sentenced Apprendi to 12 years. Appealing the conviction to the New Jersey Supreme Court, Apprendi's attorney argued that his eli-

ent had never been convicted of a hate crime. The bias issue, said defense attorney Joseph D. O'Neill, should be decided by a jury. Letting a judge impose a longer sentence based on a lower standard of proof, he asserted, violated the Sixth Amendment right to a fair trial.

Finding New Jersey's system unconstitutional troubled some of the Justices, particularly Stephen G. Breyer, an author of the federal sentencing guidelines when he worked in the Senate during the 1970s. Judges, not juries, he said, apply the various factors that determine a sentence in a number of types of cases. "If I agree with you," Breyer told O'Neill, "I guess I'm holding the Sentencing Commission unconstitutional."

The lawyer representing the state, Lisa S. Gochman, argued that motive was a traditional sentencing factor properly weighed and decided by the judge in Apprendi's case. It has never been the duty of the prosecution to prove why someone committed a burglary, she said.

Alien invasion:

Frustrated ranchers take matters into their own hands

Federal law enforcement authorities along the U.S.-Mexican border can seem to do no right in the eyes of ranchers and other property owners, some of whom are angry at the inability of Border Patrol agents to stop illegal aliens from making nightly runs across their land, while others fume at what they perceive as human rights violations perpetrated against the immigrants.

In Douglas, Ariz., a town of 15,000 that has become leading point of entry during the past year for illegal aliens, both U.S. and Mexican authorities are concerned by the growing vigilantism of the area's ranchers. Dozens of them in the past 12 months have taken up arms, according to law enforcement officials, leading to occasional skirmishes, threats and warning shots.

Their role model has been 57-year-old Roger Barnett, a cattle rancher who owns 22,000 acres near the U.S.-Mexican line. Viewed as a vigilante by the Mexican government, the armed Barnett captures every migrant he encounters and turns them over to the Border Patrol. Over the past two years, he said, he has halted thousands of trespassers, apprehending as many as 174 illegal immigrants in a single weekend. "I'm prepared to take a life if I have to," Barnett told USA Today.

Since 1996, the number of migrants apprehended as they struggle across the Sonora Desert in southern Arizona to gain illegal entry into the United States has tripled to 363,483 for the 12-month period ending April 25. Authorities in Douglas have captured 170,490 migrants this past year.

The town was inadvertently turned into a gateway when policy-makers stepped up enforcement at border crossings in metropolitan areas such as El Paso and San Diego, causing the migratory influx to shift to Arizona's rural center. Even though the Border Patrol accompanied the change of focus in its enforcement efforts with a nearly sixfold increase in the number of agents assigned to the region, to a total of 1,336, the area around Douglas was still inundated, said David Aguilar, chief

agent in southern Arizona.

Last year, Barnett's actions accounted for half of the 24 abuses by ranchers against migrants that were documented by the diplomatic office of the Mexican government in Douglas, according to Mexican Consul Miguel Escobar. On two occasions, he told USA Today, Barnett left his ranch to perform citizen's arrests on a state highway. "We believe there is an element of danger in this situation that could lead to violence," said Escobar.

Aguilar sent the rancher a letter this month warning him about "what could potentially be construed as illegal arrests of illegal immigrants." In taking such actions, he wrote to Barnett, "you could potentially be at risk of personal danger, criminal prosecution and/or civil suit for false arrest and other liabilities."

Cochise County Sheriff Larry Dever insist that the ranchers are breaking no law when they defend their property from trespassers. Calling the migrants "eco-terrorists," he noted that Barnett's once pristine property has been littered with tens of thousands of plastic water jugs and food wrappers, along with human waste and dirty diapers.

"They better look in the mirror to see who the hell to blame," said Barnett, rejecting criticism by Mexican and U.S. authorities.

And there is more for law enforcement to be concerned with. Anonymous appeals have begun appearing over the Internet and through the U.S. mail asking "tourists" to help ranchers defend their property. According to a "Neighborhood Ranch Watch" flier distributed through some area campgrounds, organizers are asking for volunteers who have trip wires, signal flares, watchdogs and other devices.

While Barnett said he is not involved in activities aimed at turning visitors into mercenaries, he is in favor of a hard line against illegal immigration. "What enforcement there is not good enough," he said. "As a citizen, you're going to have to do it yourself."

Federal authorities in Texas were banned last month from pursuing illegal immigrants across a 235,000-acre ranch owned by a private foundation, after government vehicles struck and injured two men in separate incidents. Attorneys for the John G. and Marie Stella Kenedy Memorial Foundation, the ranch's owner, said the decision was based on the belief that agents had violated the immigrants' human rights.

On March 2, agents working west of the Border Patrol's K-24 checkpoint ran over the right arm of 25-year-old Victor Manuel in their pursuit of 25 people suspected of being undocumented aliens. Five days later,

Armando Lean was hit by another vehicle as he hid in the high grass, according to Border Patrol incident reports. He suffered major injuries to his back and pelvis.

Border Patrol officials say the agency has the authority to seize the property, but said there are no plans to do so. Perry Cronin, a spokesman for the Patrol's regional district office in McAllen, Tex., and Nancy Cohen of with the Immigration and Naturalization Service said they were unaware of any case in which private property had been seized in such disputes.

Nevertheless, federal authorities expect to be able to pursue illegal immigrants onto the property's grounds. Approximately 1,800 to 2,000 undocumented immigrants are captured at the K-24 checkpoint every month, about half the number of individuals who move through the area, said Fred Borrego, a Patrol supervisor.

"Sometimes we can see dozens of

suspected illegals from the checkpoint and can't do anything about it if we can't get on the Kenedy Ranch property," he told The New York Times.

Once before, the Kenedy Foundation banned authorities from its ranch. In 1995, vehicles were igniting grass fires and agents damaging gates and fences, said Richard Leshin, an attorney for the organization. Agents were also hunting and fishing on the property without permission, he said. The foundation came to an agreement with authorities in 1998, however, when it was warned by the FBI that the government was considering seizing the property. Federal officials agreed to notify the foundation when they planned to pursue immigrants beyond the paved roads on ranch property.

The two incidents in March broke the agreement, Leshin maintained, and the foundation's board voted on March 17 to ban agents from the property again.

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Excessive force seen as overlooked, underreported

Continued from Page 1

by a use-of-force form. Of these apparent discrepancies, 140 occurred during the last six months of 1999, a period during which Sherrard implemented such measures as requiring a supervisor go to the scene any time force has been used.

The newspaper also found that in 848 cases of use-of-force between 1996 and 1999 in which the proper form was filed, officers' actions were found to have been justified 99.4 percent of the time when reviewed by commanders. In only three cases was force found unreasonable, a rate that experts found unrealistically low. Moreover, approximately one-third of those reports were filed by just 32 officers, or less than 4 percent of the officers who made arrests during that period.

There were seven officers, The Courier-Journal reported, with arrests that numbered more than 500 during those four years who did not report a single instance of use of force. Seven other officers with the same level of arrest activity filed just one report each.

Samuel Walker, a criminologist at the University of Nebraska-Omaha, said the agency's policy is vague, providing officers with an "escape valve,"

which allows them to avoid bringing such encounters to supervisors' attention. "The less discretion, the less ambivalence in the policy, the better," he told The Courier-Journal.

Moreover, Walker characterized as "very, very suspicious," the fact that just three of 848 reported incidents of physical force were found unjustified. Observational studies, he said, have shown that the rate of actual incidence of excessive or unjustified use of force by police is higher than the less than half of 1 percent deemed unjustified in Louisville.

Jerome Skolnick, a New York University law professor and co-author of "Above the Law: Police and the Excessive Use of Force," told The Courier-Journal that he knew of no police department in the country whose officers never abuse civilians. "You either have an exceptionally fine police department," he said, "or else one that tends to overlook misuse of force by officers."

The figures also give rise to concerns about the department's lack of a mechanism for analyzing even those statistics which it collects. While use-of-force reports are distributed through the department, including the chief's

office and the internal affairs and training units, there is no analysis done to identify trends, monitor behavior or improve training, the series noted.

The newspaper pointed out the failure of the department to utilize an early-warning database system created in 1998 under the tenure of former Chief Doug Hamilton. The program was designed to record and collect such items as incidents of use of force, job-related lawsuits, sick days used and other factors which, taken together, could indicate the potential for future problems. In the past year, the system has generated just one report that is now being considered by Smith.

Last fall, Smith expressed some reservations about the usefulness of the information in the database, but told The Courier-Journal that he now sees the usefulness in what he has been reading. After reviewing 15 reports from the database listing "incidents by officer," including uses of force, car accidents and lawsuits, he said he will look for a rapid series of such events which could reveal a troubled officer.

Smith also said he plans to send copies of the reports to each district and unit commander, and begin generating the reports every three months, as was

done under Hamilton.

But some experts, such as criminologist Geoffrey Alpert from the University of South Carolina, told The Courier-Journal that without an automatic flagging system or formal guidelines under which an officer would come up for review after a set number of incidents, Louisville's early-warning system is ineffectual.

"If there are no selection criteria by which an officer would be singled out, then you don't have an early-warning system," he said. "That's just book-keeping." Also, reviewing figures quarterly, as Smith plans to do, is too long a waiting period, said Alpert.

The series found that people who complain of excessive force to the department generally lose their cases, particularly if they are black. Complaints by blacks were twice as likely to be dismissed by the LPD as complaints by whites, said The Courier-Journal.

Out of 245 civilian complaints of all types initiated within a period beginning after Jan. 1, 1996 and ending late in January 2000, the newspaper examined 218 for which it received documentation by the department. Fourteen percent of allegations were upheld by the police chief and the public safety director — a higher average than the 10 percent that was found nationwide, said experts.

But in the 79 cases which alleged excessive force, just 1 was upheld by police commanders. According to a 1993 statistical survey of citizen complaints, conducted by the Police Foundation, 6 percent of excessive force complaints were upheld in 1991 among departments roughly the same size as the 700-member Louisville force.

Said Alpert: "Usually you find between 5 and 8 percent, but 1 percent is very low. It could be a bunch of bogus complaints. It could be that they [Louisville police] are not investigating."

Overall, noted The Courier-Journal, the number of excessive force complaints seemed low. Of the 23 departments examined in the Police Founda-

tion study, departments of Louisville's size received excessive-force complaints during that year at a rate which would have translated to 63 complaints in the LPD. But from 1996 to 1998, said the series, the department averaged just 22 excessive-force complaints a year.

The newspaper also found that while blacks filed the most complaints, the ones most often upheld by police commanders were made by whites. In all complaints between 1996 and 1999 — not just those alleging excessive force — white citizens' complaints were upheld at least in part 19 percent of the time, compared to just 11 percent of complaints made by black citizens.

While experts said that such a finding should raise a "red flag," Ricucci said that the disparity could only be caused by the fact that blacks drop their complaints before internal affairs investigations are completed.

But The Courier-Journal found a difference of just 5 percent between the races when it came to dropping cases. African Americans either dropped their complaints or could not be located by internal affairs 21 percent of the time, as compared to 17 percent for white complainants. The series also found that while Louisville's population is 30 percent black, African Americans filed 59 percent of complaints against police officers, and made up 58 percent of those arrested during the years 1996 through 1999.

The Courier-Journal asserted that the city's police union, Fraternal Order of Police Lodge No. 6, has made an effort over the past two decades to limit "user-friendly" complaint processes, such as a recently filled ombudsman position meant to help civilians navigate the system. And in January, a report from a union meeting read: "Just because some yammer-head comes off the street to complain that he was roughed up while resisting arrest and fighting the police doesn't mean that LPD has a problem."

[FOP officials did not respond to LEN's request for comment.]

Headlines are not enough

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NJSP gambles on viability of college-degree requirement

Continued from Page 1

that requirement, plus a new written exam, compromised the representation of African American and Latino in State Police Academy classes. The percentage of minority candidates dropped from 20 percent to less than 8 percent.

According to the suit, minority representation in two academy classes that were held prior to 1993 fell from 22.5 percent of blacks eligible to take the agency's written exam to 14.8 percent in the first three classes after the requirement was implemented. Hispanic representation dropped from 9.4 percent to 6.7 percent during those same periods. And minority representation within the agency's ranks declined from 14.1 percent in March 1998 to 13.8 percent the following year. [See LEN, May 15/31, 1999.]

"We can never prove what the motive was," said David Rose, a Washington, D.C.-based attorney who represented the NAACP. "The result was that the number of blacks and Hispanics dropped dramatically."

In light of the NAACP's opposition to the four-year requirement, the NJSP

since 1996 has allowed candidates to substitute two years experience in the military or other law-enforcement service for college. However, applicants with four years of college are still strongly favored, Rose told The Asbury Park Press.

Under the latest consent decree, the NAACP has agreed to drop its resistance to the bachelor's degree requirement if over the next three years, the 22 percent of black candidates and 11 percent of Hispanic candidates who have four years of college take the examination. If not, the agency has to continue its suspension of the requirement for another four years.

It has also agreed to replace the Law Enforcement Candidate Record for at least three years with a battery of new tests designed to measure cognitive ability, reading comprehension and math. There will also be a video test that gauges a candidate's judgment in potentially dangerous situations by presenting virtual versions of numerous scenarios, such as a domestic violence dispute, said the attorney general's office.

Police in two states reel in a pair of serial killers

The capture of a suspected serial killer is a rare enough event in law enforcement; almost unheard of would be the nearly back-to-back arrests of two men in different cities suspected of two separate strings of murders. Yet, coming on the heels of the arrest this month in Detroit of a U.S. Navy sailor believed to have murdered prostitutes around the world, a married father of five in Spokane was charged in the death of one woman, and is a suspect in the murders of 18 others.

Prosecutors in Detroit have charged the sailor, John Eric Armstrong, with five murders, and believe that he may have strangled as many as 16 to 20 women in cities from Seattle to Singapore. "We're trying to track his career in the Navy to determine just how many bodies he left in his wake," said Police Chief Benny Napoleon.

Armstrong, 26, admitted to police he had strangled and murdered prostitutes while on shore leave during the six years he spent in the Navy. He came to the attention of authorities in January after reporting the body of a woman he is now believed to have murdered two blocks from the Dearborn Heights home where he lived with his wife and 18-month-old son. He was interviewed by authorities in February and submitted DNA samples after his description and vehicle matched that of a man whom three prostitutes said had tried to strangle them.

Armstrong was arrested after genetic evidence linked him to three bodies found dumped in an isolated railroad yard in Detroit.

While Armstrong is thought to have committed his first murder in North Carolina shortly after enlisting in 1992, Detroit police believe he stalked his victims from wherever the aircraft carrier U.S.S. Nimitz was docked. Armstrong told police that he that he

murdered two people in Seattle in 1993, including a man whom he killed with a pipe. In 1996, he is said to have killed two more women, one in Thailand, and one in Seattle. Then, in 1997, Armstrong is believed to have killed five women in Honolulu, Hong Kong, and Singapore. Eight months ago, he moved to Detroit.

Much of what police know about Armstrong's activities comes from his confession. The lead investigator in the case, Don Johnson, said he was "very talkative and very emotional." According to prostitutes who spoke with investigators, each had sexual encounters with Armstrong, but after having sex, he attacked and tried to strangle them.

Police determined they were looking for a serial killer based on the fact that all of the women were strangled, along with other evidence found at the scene. Said Napoleon: "We initially thought that he was posing the young ladies for a photograph, but he was actually leaving them in the position where he could come back and have sex with them again. And he did."

In Spokane, authorities believe they have captured the man responsible for the deaths of 18 prostitutes in the Seattle and Tacoma area during the past few years. Robert Lee Yates, a 47-year-old aluminum plant worker and National Guard helicopter pilot, was charged on April 19 with the death of a teenage prostitute, Jennifer Joseph. Her body was found in 1997 on a farm northeast of the city.

DNA and other physical evidence links Yates to at least a dozen murders, said Spokane County Sheriff Mark Sterk. Three years ago, when victims' bullet-riddled corpses began showing up in remote locations, local law enforcement formed a homicide task force to investigate the deaths of 15 prostitutes from the Seattle area and three

from Tacoma.

Police were led to Yates through his 1977 white Corvette. Five weeks before Joseph's disappearance, she was last seen getting into such a car driven by a white male in his 30s or 40s, according to authorities. A database of white Corvettes pulled over by police in the city's red-light district along East Sprague Avenue revealed that Yates had been stopped by police more than two years earlier and interviewed as one of hundreds of suspects in the case. He was given a traffic ticket and let go.

Yates was also stopped in 1998 after picking up a woman he said was a friend's daughter. The woman confirmed the story, and again, Yates drove off. From that time on, no more victims were found.

Experts say Yates does not fit the profile of a serial killer. A married, father of five, he is older than most, who range between the ages of 25 and 35. Also, the victims were shot. Robert Ressler, the former FBI agent who developed the technique of psychological profiling, said serial killers prefer to strangle or stab their victims. Moreover, they rarely stop. Police stop finding bodies, he said, because the killer has moved on, died, or gone to prison.

The DNA and carpet fibers linking Yates to the murders were initially compiled by state forensic scientists, but the county paid \$65,000 to a private laboratory in Seattle to have the tests done overnight, fearing that the backlog at the Washington State Patrol crime lab would stall the investigation. "We had to make this happen as quickly as possible," sheriff's Cpl. Dave Reagan told The Associated Press.

Managers at the state labs postponed work, however, so that technicians could focus on the serial-killer case. Given the chance, they said, they could have expedited the evidence.

Working in an NYPD precinct can be hazardous to your health

Along with wage issues, racial tensions, CompStat accountability demands and other sources of stress for New York City police officers, one can apparently add working in ancient station houses that have fallen into such disrepair that in some cases, officers' health could be imperiled.

The decrepit conditions of some of precincts are so extreme that the city plans to spend \$5 million in 2000 and more than \$40 million over the next four years to build two new station houses and renovate the 18th century carriage house that serves as the Central Park Precinct.

"During my visits to police locations throughout the city, I have been very disappointed in their poor physical condition and the message that it sends to our employees who work there on a daily basis and to the members of the public who come to do business or meet with our staff," Police Commissioner Howard Safir said during a City Council budget hearing in March.

The 50th Precinct station house in the Bronx and the 66th Precinct in the Borough Park section of Brooklyn are considered among the most desperately in need of repair and renovation.

According to officers who work at the 50th Precinct, their basement locker

room would become flooded by water tainted with petroleum each time it rained. The fuel spill, a combination of home heating oil and gasoline, had migrated to a site beneath the building via underground streams from leaking tanks on nearby property, according to police officials.

But the effects of the spill, which was discovered three years ago, are more than just a nauseating smell, officers claim. Last August, the precinct's commander wrote a memo reporting a high incidence of asthma, cancer and miscarriages among the staff who work there. Officials from many of the unions whose members work at that precinct agreed there is reason for concern.

City and state officials found methyl tertiary butyl ether (MTBE), a fuel additive shown to cause cancer in animals, in the ground water beneath the station house at a level nearly 150 times the state standard of 10 parts per billion. While environmental experts said the officers could not be getting sick from the ground water because they were not drinking it, the vapors from the spilled petroleum could be dangerous if inhaled in large concentration over a period of time.

Police union lawyers said that more than half of the 50 officers they inter-

viewed at the precinct in recent weeks complained of dizziness, nausea or headaches.

At the 66th Precinct house in Brooklyn, officers told The New York Times that the wiring in the building is so old that they cannot run the air-conditioners and the computers at the same time. Last summer, a power loss caused a computer crash that lasted four days.

While the 50-year-old building will be replaced with a \$19-million structure, finding the money to upgrade station houses is a problem, said department officials, because of debt limits in the city's capital budget and competition for funds with other agencies.

With added maintenance money this year, the department will be able to make repairs on a timely basis, said Joseph Wuensch, the deputy police commissioner for management and budget. The funds will pay for extra painting and cleaning services, the purchase of equipment and the rehiring of 54 employees to help make a dent in thousands of backlogged repair orders.

Still, the repair backlog means it could be months before some of the more immediate problems are solved, officers told The Times. Often, they get so frustrated, they said, that they paint rooms or lay new floors themselves.

Upcoming Events

JULY

10-13. Police Media Relations. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

10-13. Crime in America's Schools: When Bookbags Become Holsters. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

10-14. Ethics Instructor Certification. Presented by the National Institute of Ethics. San Bernardino, Calif.

10-14. Managing the Patrol Function. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

10-21. At-Scene Traffic Accident/Traffic Homicide Investigation. Presented by the Institute of Police Technology & Management. St. Petersburg, Fla. \$695.

10-28. Police Motorcycle Training Officer. Presented by the Northwestern University Traffic Institute. Adrian, Mich. \$1,099.

12-15. Victims of Severe Violence Meet the Offender: A Journey Toward Healing. Presented by the National Restorative Justice Training Institute. St. Paul, Minn. \$500.

12-14. Light Energy Applications for Law Enforcement. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$425.

16-19. Annual Conference on Criminal Justice Research & Evaluation. Presented by the National Institute of Justice, Professional Conference Series. Washington, D.C.

17-18. Integrity Leadership. Presented by the National Institute of Ethics. Charleston, S.C.

17-21. Seminar for the School Resource Officer. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

17-21. Interviews & Interrogations for Internal Affairs Officers. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

17-21. Seminar for the Field Training Officer. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

17-21. Cultural Diversity Train the Trainer. Presented by the Southwestern Law Enforcement Institute. Richardson, Texas. \$495.

17-28. Police Motorcycle Operator. Presented by the Northwestern University Traffic Institute. Adrian, Mich. \$949.

18-20. Symposium on Alcohol & Drug Enforcement. Presented by the Institute of

Police Technology & Management. Jacksonville, Fla. \$350.

19-21. Advanced Field Training. Presented by the National Institute of Ethics. Charleston, S.C.

21. In-Car Video Requirements Training for DUI Enforcement & Prosecution. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$150.

22. Basic Defensive Folding Knife. Presented by CQC Service Group. Epping, N.H.

24-25. Integrity Leadership. Presented by the National Institute of Ethics. Arlington, Va.

24-28. Advanced Hostage Negotiations. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$550.

25-26. Tactical Folding Knife Instructor. Presented by CQC Service Group. Epping, N.H.

25-26. Interview & Interrogation Methods. Presented by Hutchinson Law Enforcement Training LLC. Natick, Mass.

26-28. Eastern Armed Robbery Conference. Hosted by the Montgomery County Police Department. Rockville, Md. \$100.

26-28. Administration, Management & Supervision of the Field Training Officer Program. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$425.

26-28. Advanced Field Training. Presented by the National Institute of Ethics. Arlington, Va.

31-Aug. 4. Law Enforcement Ethics Train the Trainer. Presented by the Southwestern Law Enforcement Institute. Eugene, Ore. \$495.

31-Aug. 4. Developing Law Enforcement Managers. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

31-Aug. 4. Inspection/Investigation of Commercial Vehicle Accidents. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

Get the Word Out

Listings in the Upcoming Events column are free, on a first-come, first-served basis. Send information to: Upcoming Events, LEN, 555 W. 57th St., New York, NY 10019. Fax: (212) 237-8486.

For further information:

Addresses & phone/fax numbers for organizations listed in calendar of events.

CQC Service Group, 8 Kingsbury Lane, Billerica, MA 01862. (978) 667-5591

Eastern Armed Robbery Conference, (856) 863-9550 Fax: (856) 863-1183. Web <www.caec.org>

Hutchinson Law Enforcement Training, LLC, P.O. Box 822, Granby, CT 06035. (800) 627-5480. Fax: (860) 653-0788. E-mail: dhutch4848@aol.com. Web <www.patrolweb.com/hlet>

Institute Of Police Technology & Management, University of North Florida, 12000 Aluma Dr., Jacksonville, FL 32224-2678. (904) 620-1PTM. Fax: (904) 620-2453. Web <www.unf.edu/iptm>

National Institute of Ethics, 1060 West State Rd. 434, Suite 164, Longwood, FL 32760. (407) 339-0322. Fax: (407) 339-7139. Web: <http://www.ethicsinstitute.com>

National Institute of Justice, Professional Conference Series, c/o Institute for Law & Justice, 1703 J. 684-5300. Fax: (703) 739-5533. E-mail: njppes@ijl.org

National Restorative Justice Training Institute, Center for Restorative Justice & Peacemaking, University of Minnesota, School of Social Work, 105 Peters Hall, 1404 Gortner Ave., St. Paul, MN 55108-6160. (651) 624-4923. Fax: (651) 625-8224. E-mail: rjp@11cmail.che.umn.edu. Web: <www.umn.edu/rjp>

Northwestern University Traffic Institute, P.O. Box 1409, Evanston, IL 60204. (800) 323-4011 or (847) 491-5476. Web: <http://www.nwu.edu/traffic>

Southwestern Law Enforcement Institute, P.O. Box 830707, Richardson, TX 75083-0707. (972) 664-3468. Fax: (972) 699-7172. E-mail: sleri@swlegal.org

Mexican standoff:

- Ranchers in southern Arizona say they've become ground zero for a wave of illegal aliens, and take security matters into their own hands. **Page 9.**
- County prosecutors tell the Feds "enough's enough" when it comes to handling minor drug cases. **Page 6.**
- A surge in the ranks of federal law enforcement is led, to no great surprise, by growth of the INS & Border Patrol. **Page 1.**

Plus:

Reflections on the Diallo shooting trial & its outcome, by an expert witness in the case. **Forum, Page 8.**

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What They Are Saying:

"We're convinced we can recruit a very well-educated and diverse State Police force. . .and we're willing to bet the four-year college requirement on our ability to do so."

— New Jersey State Attorney General John J. Farmer Jr., commenting on the terms of a consent-decree settlement reached with the NAACP. (Story, Page 1.)